

**FRUITLAND PARK CITY COMMISSION AND
PLANNING AND ZONING BOARD
JOINT WORKSHOP MEETING AGENDA**

September 26, 2019

City Hall Commission Chambers
506 W. Berckman Street
Fruitland Park, Florida 34731

6:00 p.m.

- 1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE**
- 2. ROLL CALL**
- 3. LAND DEVELOPMENT REGULATIONS (LDRs)**
 - **Chapter 152, Administration**
 - **Chapter 158, Stormwater Management**
 - **Chapter 159, Utilities**
 - **Chapter 160, Site Development Approval**
 - **Chapter 163, Sign Regulations**
- 4. OTHER BUSINESS**
- 5. ADJOURNMENT**
(Special City Commission Meeting following immediately.)

Any person requiring a special accommodation at this meeting because of disability or physical impairment should contact the City Clerk's Office at City Hall (352) 360-6727 at least forty-eight (48) hours prior to the meeting. (§286.26 F.S.)

If a person decides to appeal any decision made by the City of Fruitland Park with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings and ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The city does not provide verbatim records. (§286.0105, F.S.)

PLEASE TURN OFF ELECTRONIC DEVICES OR PLACE IN VIBRATE MODE.

CHAPTER 152
ADMINISTRATION

SECTION 152.010: GENERAL PROVISIONS

a) Administrative Official.

The provisions of the Land Development Code shall be administered and enforced under the direction of the Administrative Official. The Administrative Official shall be the City Manager or the City Manager's designee.

b) Fees.

All fees described in the Land Development Code shall be as set by the City.

SECTION 152.020: DEVELOPMENT ORDER AND DEVELOPMENT PERMIT REQUIRED

a) In General.

No development activity shall be undertaken unless the activity is authorized by a development permit. A development permit may not be issued unless authorized by a development order reflecting conformance with the requirements of the Land Development Code.

b) Exceptions to the Requirement of a Development Order.

A development permit may be issued in the absence of a development order for the following activities, when the proposed development conforms to the standards and permitting requirements of the Land Development Code:

- 1) The construction or alteration of a one or two-family dwelling on a lot of record as of November 26, 1991, or a lot created under the terms of the Land Development Code.
- 2) The construction of an accessory structure on a previously developed single family lot.
- 3) The alteration of an existing structure which does not enlarge the effective size or capacity of the structure.
- 4) Demolition of a structure.
- 5) Erection of signs or fences on a previously developed site, when independent of other development activity on the site.
- 6) The resurfacing of an impervious vehicle use area.

c) Approval Authority

The following land development plans shall only require action by the City Manager or designee:

- 1) Construction Plans
- 2) Lot Split
- 3) Unity of Title
- 4) Lot Line Deviation

SECTION 152.030: DEVELOPMENT ORDER

A development order shall be issued by the City only after the approval of development plans as required by the Land Development Code. A development order allows for the issuance of development permits for the initiation of development activities, including land clearing, site preparation, utility construction, road construction and building construction.

a) Contents.

A development order shall include the following:

- 1) The name of the proposed development, the legal description of the property, and, where appropriate, its street address.
- 2) A general description of the proposed development activity.
- 3) The name of the project engineer, date of the approved plans, and any revision number, if applicable.
- 4) Reference to any development agreements or other legal documents that are a part of, or control, the proposed development.
- 5) Any special conditions of the development approval, such as off-site improvements, phasing, or other actions or events required prior to the issuance of development permits or certificates of occupancy.
- 6) The expiration date of the development order.
- 7) Flood Insurance Rate Map information to include the map/panel number any special Flood Hazard Areas.

b) General Conditions.

All development orders are issued contingent upon the following:

- 1) The accuracy of information provided in the development plans and associated documents. Inaccuracies that affect compliance with the Land Development Code, or the soundness of engineering design, may be considered grounds for the voiding of a development order.

- 2) Copies of all permits from federal, state, or regional and county agencies with jurisdiction over any portion of the proposed development shall be presented to the City prior to the issuance of development permits. The City Manager may issue limited permits for activities not related to outstanding agency permits unless there is reason to believe that such permits may not be forthcoming, or may substantially deviate from the approved plans.
- 3) The clarification of discrepancies within the approved plans or associated documents. Where there are contradictions or discrepancies, the City may require their correction based on the requirements of the Land Development Code, and as appropriate to the internal consistency of the documents.

c) Expiration of a Development Order.

All development orders shall have an expiration date clearly noted, after which no additional development permits may be issued. Expiration dates shall be based on the following:

- 1) Development plan approval for subdivisions shall expire after eighteen (18) months from the date of issuance.
- 2) Site development plan approval shall expire after one (1) year from the date of issuance.
- 3) Conceptual plans for zoning approvals shall expire based on the terms of the development agreement and any phasing plan therein.
- 4) Special exceptions, conditional uses, and variances shall expire either based on the conditions of approval or based on the specific requirements of the Land Development Code.
- 5) Rezoning, except to ~~planned zoning districts~~ Planned Unit Developments, shall have no expiration date.

d) Extension of Expiration Date.

The expiration date for a development order may be extended as follows:

- 1) Where initial development permits have been issued pursuant to the development order, and development is continuously proceeding, the City Manager may grant one or more extensions not to exceed a total of two (2) years from the original expiration date. No fee shall be required beyond those required for the issuance of development permits.
- 2) Where an extension is desired but no permits have been issued, a developer must request an extension in writing from the City Manager, accompanied by a development order extension fee. The request for extension shall be reviewed and considered by the same process as the original approval, with special consideration to:
 - A) Amendments to the Land Development Code, including codes and standards adopted by reference, that have been adopted since the

original approval, requiring modification to the development plans or associated documents.

- B) Re-evaluation of the ability of the proposed development to meet the requirements of Chapter 153 "Concurrency Management System."
- C) Changes in surrounding land use, development or other conditions that may require modification of the plans to meet the requirements of the Land Development Code.

e) Securing Development Permits.

Application for development permits for subdivision, site or building improvements shall be made according to the provisions of the appropriate chapter of the Land Development Code.

f) Modification of a Development Order.

- 1) Minor modifications to development orders may be approved by the City Manager, when such modifications are consistent with the requirements of the Land Development Code, and do not have a substantial impact on the overall impact and intent of the development order. The following modifications shall be generally considered as minor:
 - A) Dimensional changes to accommodate field conditions, including connection to existing facilities and the preservation of existing vegetation.
 - B) Changes of landscape or construction materials that are deemed to be similar or equivalent to those approved.
 - C) Technical changes to construction details.
- 2) Proposed modifications that do not meet the criteria for administrative approval described above, shall be submitted for development plan approval under the same procedure as required for the original approval, accompanied by the maximum review fee specified for such approval.
- 3) When in the opinion of the City Manager, the proposed modifications represent a major or fundamental change in the overall impact and intent of the original development order, a new application for development plan approval may be required, including the appropriate fees as specified for such approval.

SECTION 152.040: AMENDMENTS

Application to amend the Land Development Code or the Comprehensive Plan may be initiated by any person, board or agency. Application to rezone land under the Land Development Code may be initiated by the landowner(s), Department, Planning and Zoning Board or City Commission. The requirements of this Section are in addition to the requirements of applicable state law.

a) Application.

Application for Development Code or Comprehensive Plan amendments shall be made on the appropriate forms provided by the City for that purpose, and shall be accompanied by the appropriate review fee.

1) Applications for Development Code amendments or rezoning shall be submitted no later than twenty-eight (28) days in advance of the regularly scheduled Planning and Zoning Board meeting in order to be considered at that meeting. (Revise timeline to include TRC requirements and to be compliant with House Bill 7103)

~~2) Applications for Comprehensive Plan amendments may be made at any time, but will only be considered twice per year. Applications received no later than twenty-eight (28) days in advance of the March Planning and Zoning Board meeting will be considered at that time, and applications received no later than twenty-eight (28) days in advance of the September Planning and Zoning Board meeting will be considered at that time. The City Commission shall consider the request at the next regularly scheduled meeting and shall make the final decision on the amendment.~~

~~3)2) Applications for rezoning and future land use plan amendments shall include a legal description of the property in Word format, sketch, or current survey of the property, proof of ownership, and authorization of the owner if represented by an agent or contract purchaser. An electronic copy of all documents must accompany the hard copy original submittal.~~

b) Notification of Public Hearing.

All amendments to the Comprehensive Plan or the Land Development Code shall comply with Florida Statutes, to include notice to adjoining owners, posting of property, and public advertisement as required by Section 166.041. the following:

~~3) Rezoning and Future Land Use Map Amendments. The following requirements apply to owner initiated amendments. The requirements of Section 166.041(3)(c), Florida Statutes, shall apply to rezoning amendments initiated by the City. The requirements of Section 163.3184, Florida Statutes, shall apply to future land use map amendments initiated by the City.~~

~~E) Adjoining Owners. The City shall send notice of the proposed action to the owners of all adjoining properties to the subject property, as well as any owners of the subject property not party to the application. Such notice shall include the date, time and place of the public hearing before the Planning and Zoning Board and the City Commission, along with a clear and concise description of the proposed action. For the purposes of such notification, adjoining properties shall include those properties separated from the subject property by a road, canal, easement right-of-way or similar barrier of five hundred feet (500) or less in width.~~

~~G) Posting of Property. The City shall post the property that is the subject of the proposed action with signs notifying the public of the proposed action, date of public hearings, and who to contact for further information. Signs shall be placed, at a minimum, along all public road frontages, with a minimum of one sign per four hundred (400) feet along any one frontage.~~

~~I) Public Advertisement. Notice of public hearing shall be published as required by state law.~~

- 1) Textual Changes. Notification and advertising for ordinances making textual changes to the Land Development Code or the Comprehensive Plan that do not substantially change permitted use categories in zoning districts or land use map designations, shall be as normally required for ordinances under the City Charter and Code, and state law.

c) Procedure for Public Hearing.

The following procedures are in addition to, or where in conflict, superseded by those required by state law.

- 1) Planning and Zoning Board Action. The Planning and Zoning Board shall consider and make recommendations to the City Commission on every rezoning and every proposed amendment to the Comprehensive Plan or the Land Development Code.
- 2) City Commission Action. The City Commission shall consider recommendations of the Planning and Zoning Board before taking action on proposed amendments to the Land Development Code. However, if the Planning and Zoning Board fails to make a recommendation within sixty (60) days of the amendments' first consideration by that body, then the City Commission may take action based upon an assumed recommendation of approval from the advisory board.

d) Reapplication for Denied Rezoning.

When an application for rezoning is denied by the City Commission, subsequent application for similar rezoning on any portion of the same parcel of property may not be made for twelve (12) months from the date of City Commission denial, unless specifically authorized by the City Commission.

e) Criteria for Review of Amendments.

When considering an amendment to the Comprehensive Plan or the Land Development Code, the Planning and Zoning Board and the City Commission shall consider the following criteria:

- 1) Consistency with the Comprehensive Plan, or in the case of a Plan amendment, consistency with the remainder of the Plan and its goal, objectives and policies.
- 2) Consistency with applicable sections of the Land Development Code.
- 3) Additionally, as to rezoning amendments:
 - A) Whether justified by changed or changing conditions.
 - B) Whether adequate sites already exist for the proposed district uses.

- C) Whether specific requirements of the Land Development Code are adequate to insure compatibility with adjoining properties as required by the Comprehensive Plan.

SECTION 152.050: APPEALS

a) Procedural Appeals.

Any property owner, developer, or their duly authorized agent that is aggrieved by a procedural decision by the City Manager or any other official or body empowered by the Land Development Code, may file a written appeal within thirty (30) days after the decision in dispute. Appeals shall be filed with the City Manager, and shall state fully the grounds for the appeal and all facts relied upon by the appellant. The City Manager shall schedule the appeal for the consideration of the City Commission no earlier than seven (7) days nor later than forty-five (45) days after the receipt of the appeal.

b) Technical Appeals.

Any property owner, developer or their duly authorized agent that is aggrieved by a technical decision by the City Manager or any other official or body empowered by the Land Development Code, may file a written appeal within thirty (30) days after the decision in dispute. Appeals shall be filed with the City Manager, and shall state fully the grounds for the appeal and all facts relied upon by the appellant. The City Manager shall schedule the appeal for consideration no earlier than seven (7) days nor later than forty-five (45) days after the receipt of the appeal. Technical appeals shall be heard by the City Commission.

SECTION 152.060: ENFORCEMENT

The City reserves the right to enforce the provisions of the Land Development Code in any manner as provided by law, including referral to the code enforcement officer and/or code Special Magistrate.

In General

Whenever the Department has reason to believe that the provisions of the Land Development Code are being violated, it shall notify the alleged violator of the nature of the violation(s), and require correction of the violation(s) in a reasonable period of time, based on the policies of the City. If not corrected within the time specified, the violation(s) shall be referred to the Code Enforcement ~~Board~~-Officer for enforcement as authorized in the Code of Ordinances.

SECTION 152.070: NONCONFORMANCE PROVISIONS

a) Types of Nonconforming Status.

Within the districts established by the Land Development Code or Amendments that later may be adopted, there may exist lots, uses of land, or structures which lawfully existed before the Land Development Code was adopted but which would be prohibited, regulated or restricted under the terms of the Land Development Code.

It is the intent of the Land Development Code to permit these nonconformities to continue in their present condition but not be enlarged upon, expanded, or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district. There are three (3) types of nonconforming status, as follows:

1) Nonconforming Lots of Record.

In any district in which residential dwellings are permitted, notwithstanding district dimensional requirements, a single family dwelling and customary accessory buildings may be erected on any single lot of record as defined herein which existed on or before November 26, 1991. This provision shall apply even though such lot fails to meet the requirements applying to area or width, or both. However, the lot and the structures erected thereon must conform to all other regulations for the district in which the lot is located. Further, development on residential lots platted under previous zoning ordinances may be permitted to develop based on setbacks in force at the time of platting.

The following provisions shall apply to lots of record zoned commercial or industrial on or before November 26, 1991:

- A) The construction of one commercial or industrial building shall be permitted on each lot providing that no adjoining lots are in the same ownership, or were in the same ownership as of November 26, 1991.
- B) Dimensional requirements shall be based on the established requirements of the Land Development Code.

No portion of any nonconforming lot shall be sold or used in a manner which diminishes compliance with lot width and area requirements established by the Land Development Code, nor shall any division of any parcel be made which creates a lot width or area below the requirements statements stated in the Land Development Code.

2) Nonconforming Uses of Land and Structure.

A nonconforming use of land or structure existing prior to November 26, 1991, shall continue to have such nonconforming status and shall be subject to the applicable provisions of the Land Development Code including the following which shall apply so as long as the use of land or structure remains otherwise lawful:

- A) No such nonconforming use shall be enlarged or increased nor extended to occupy a greater area of land or structure than was occupied as of November 26, 1991.
- B) No such nonconforming use shall be moved in whole or part to any portion of the lot or parcel other than that occupied by such use as of November 26, 1991.

- C) No additional structure not conforming to the requirements of this Ordinance shall be erected in connection with such nonconforming use of land or structure.

3) Nonconforming Structures.

A nonconforming structure existing prior to November 26, 1991, shall continue to have such nonconforming status and shall be subject to the applicable provisions of the Land Development Code including the following which shall apply so long as the use of land or structure remains otherwise lawful:

- A) No such nonconforming structure may be enlarged or altered in any way which increased its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.
- B) Should such nonconforming structure or nonconforming portion of structure be destroyed by any means to an extent of more than sixty percent (60%) of its current appraised value as recorded in the tax assessor's office at time of destruction, it shall not be reconstructed except in conformity with the provisions of the Land Development Code.
- C) Should such structure be moved for any reason for any distance whatsoever, it shall thereafter conform to the regulations of the district in which it is located after it is moved.

b) Repairs and Maintenance.

On any nonconforming structure or portion of a structure containing a nonconforming use, repairs and modernization are permitted provided that the cubic area existing when it became nonconforming shall not be increased. Nothing in the Land Development Code shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any public official charged with protecting the public safety, upon order of such official. Building shall be restored and conform to current Florida Building, Fire, and City Codes.

c) Discontinuance of Nonconforming Uses of Land or Structures.

If a nonconforming use of land or a nonconforming use of structure has been abandoned for a period of six (6) consecutive months, such use shall not thereafter be re-established and any future use shall be in conformity with the provisions of the Land Development Code.

d) Uses Under Special Exception or Conditional Use Provisions are Not Nonconforming Uses.

Any use which is permitted as a special exception or conditional use in a district under the terms of the Land Development Code shall be deemed a conforming use, subject to any conditions legally imposed by the City Commission.

SECTION 152.080: TECHNICAL REVIEW COMMITTEE (TRC)

There is hereby created the Technical Review Committee (TRC) to provide technical review for all applications for development approval and grant final approval for development plans when authorized by the Land Development Code.

a) Meetings.

The TRC shall hold regularly scheduled meetings at least once a month, unless there are no applications requiring review at that time. A schedule of regular meetings shall be made available to the public. A special meeting may be called by the chairman to allow extra time for the review of large or complex applications that have been submitted by the appropriate deadline for the next regularly scheduled meeting. TRC meetings shall be open to all interested parties, for the review of formal development applications. However, a developer or land owner may request a closed meeting with the TRC for the purpose of discussing proposed development prior to the formal application for approval.

b) Membership and Organization.

The TRC shall be composed of the ~~heads-directors~~ of the following departments or divisions or their designees: Building, Engineering, Fire, Planning, Public Utilities and Public Works. The TRC shall be chaired by the City Manager or the City Manager's designated representative.

SECTION 152.090: PLANNING AND ZONING BOARD

There is hereby created the City of Fruitland Park Planning and Zoning Board to review comprehensive planning policies and specific development applications as required by the Land Development Code, and provide recommendations to the City Commission on planning and land development related matters.

a) Membership; Terms of Office; Vacancies.

The Planning and Zoning Board shall consist of five (5) persons who are qualified voters of the City of Fruitland Park who shall be appointed, subject to the approval of City Commission, by the Mayor. No appointed or elected official or employee of the city may serve as a member of the Planning and Zoning Board. Members shall be appointed for three (3) year terms, and may be reappointed for additional terms, with each year commencing October 1 and ending September 30. Any person appointed to the Planning and Zoning Board shall serve at the pleasure of the commission, and may be removed at anytime by the City Commission when, in its sole and absolute discretion, removal is necessary. In the event of an appointment to fill a vacancy, the Mayor, subject to the approval of the City Commission, shall appoint a new member to fill the unexpired term of the vacating member.

b) Meetings; Voting; Officers.

The Planning and Zoning Board may adopt such rules and regulations which it deems necessary to carry out the provisions of this chapter. However, the following rules shall apply to the Planning and Zoning Board:

- 1) Meetings. The Planning and Zoning Board shall hold regular meetings at the Commission Chambers on the third Thursday of each month at 6:00 p.m. Special meetings may be called by the Chairman, when necessary.

There is hereby created the Technical Review Committee (TRC) to provide technical review for all applications for development approval and grant final approval for development plans when authorized by the Land Development Code. The TRC may consider applications by the individual members of the Technical Review Committee at any time. Upon submittal of an application and full payment, the application will be distributed to the individual committee members. Individual committee members, without a meeting on the substance of the application, shall summarize and deliver to the applicant all comments. The response to the applicant shall consist of one of the following:

Comments to the applicant that outline the necessary corrections to be addressed by a subsequent submittal;

The City Manager or designee shall grant final approval for certain applications as authorized by the Land Development Regulations, when they are found to be sufficient through the TRC.

a) Meetings.

The TRC shall not meet or confer regarding an application or their comments unless a TRC meeting is called by the City Manager or designee to review applications which, is the discretion of the City Manager or designee to warrant a public TRC meeting due to the scope of the development or other issues concerning the development. TRC meetings, when and if called, shall be noticed to the public and are open to the public in accordance with Florida law. ~~hold regularly scheduled meetings at least once a month, unless there are no applications requiring review at that time. A schedule of regular meetings shall be made available to the public. A special meeting may be called by the chairman to allow extra time for the review of large or complex applications that have been submitted by the appropriate deadline for the next regularly scheduled meeting. TRC meetings shall be open to all interested parties, for the review of formal development applications. However, a developer or land owner may request a closed meeting with the TRC for the purpose of discussing proposed development prior to the formal application for approval.~~

b) Membership and Organization.

The TRC shall be composed ~~of the heads~~ of the following departments or divisions or their designees: Building, Engineering, Fire, Planning, Public Utilities and Public Works. The TRC shall be chaired by the City Manager or the City Manager's designated representative.

SECTION 152.090: PLANNING AND ZONING BOARD

There is hereby created the City of Fruitland Park Planning and Zoning Board to review comprehensive planning policies and specific development applications as required by the Land Development Code, and provide recommendations to the City Commission on planning and land development related matters.

a) Membership; Terms of Office; Vacancies.

The Planning and Zoning Board shall consist of five (5) persons who are qualified voters of the City of Fruitland Park who shall be appointed, subject to the approval of

2) Voting. Three (3) members of the Planning and Zoning Board shall constitute a quorum. However, regardless of the existence of a quorum, any action taken by the Board must be approved of by at least three (3) members of the Board.

3) Officers. The Planning and Zoning Board shall annually select from among its membership a Chairman and a Vice-Chairman. This annual selection shall occur at the regularly scheduled October meeting and shall be subject to the approval of the City Commission.

4) Board Chairman. The Board Chairman shall:

- A) Secure a meeting place for all meetings,
- B) Preside at all meetings,
- C) Call special meetings as he or she deems necessary,
- D) Attest to the accuracy of all minutes of meetings prior to those minutes being submitted to the City Commission, and
- ~~E) Form subcommittees to assist the Planning and Board in the fulfillment of its duties. (TRC in place to guide P&Z on technical issues)~~

5) Board Members. The Board Members shall:

- A) Members shall be appointed for three (3) year terms. A member whose term expires may continue to serve until a replacement is appointed.
- B) Members may be removed without notice or without cause by a majority vote of the City Commission.
- C) If any member fails to attend two (2) of three (3) consecutive meetings without cause and without prior approval of the Board Chairman, the Board shall declare the position vacant and request a replacement be appointed by the City Commission.
- D) When a vacancy occurs prior to the expiration of a term, the City Commission shall appoint a member to fill the vacancy for the duration of the term.

c) Organization and Procedures.

- 1) The Board shall annually elect a chairman and vice-chairman from among its members.
- 2) The Board shall adopt rules of procedure, in accordance with the Land Development Code and applicable law, to carry out its functions and duties.

- 3) The Board shall meet at least once per calendar month, unless canceled by the Board ~~or its Chairman,~~ the City Manager or designee. Special meetings may be and at such additional times as requested and scheduled by the Chair, City Manager or designee, or City Commission.
 - 4) A quorum shall consist of three (3) members.
 - 5) The City shall provide a recording secretary to keep minutes of the Board's meetings.
- d) General Functions and Duties.
- 1) The Board shall obtain and review information as necessary to prepare and amend the Comprehensive Plan, Development Code of the City, and the Official Zoning Map of the City.
 - 2) The Board shall monitor the operation and effectiveness of the Comprehensive Plan and the Land Development Code, and recommend amendments to the City Commission.
 - 3) The Board shall conduct public hearings, review development applications, and perform other duties as required by the Land Development Code, including, but not limited to review of:
 - A) Annexations;
 - B) Site plans;
 - C) Rezoning;
 - D) Comprehensive Plan amendments;
 - E) Land Development Regulation amendments; and,
 - F) Plats.
 - 4) The Planning and Zoning Board shall perform all other tasks which may be assigned to it from time to time under the provisions of the Charter.

~~SECTION 152.100: CODE ENFORCEMENT BOARD~~

- ~~a) Created. There is hereby created and established a Code Enforcement Board for the City.~~
- ~~b) Membership. The Code Enforcement Board shall be composed of five (5) members.~~
- ~~c) Code enforcement system adopted. The code enforcement system set forth in Chapter 162, Florida Statutes, is hereby adopted as the code enforcement system of the City.~~

~~d) Attorney to the Board. The City Attorney shall serve as counsel to the Code Enforcement Board. However, nothing contained in Chapter 162, nor this Section, shall be construed to prevent the City Attorney from representing the City in any appeal filed by an aggrieved party pursuant to §162.11, Florida Statutes.~~

~~e) In the Event of the Imposition of a Lien pursuant to this Chapter 162, Florida Statutes, the City Commission shall have sole authority over the lien.~~

~~The Code Enforcement Board shall consist of five (5) members appointed by the City Commission. Members shall be qualified electors residing in the City. Membership shall be further specified as follows:~~

- ~~1) Membership shall whenever possible, include an architect, a businessman, an engineer, a general contractor, a subcontractor and a realtor.~~
- ~~2) The initial appointments to the Code Enforcement Board shall be one member appointed for a term of one year; two members appointed for a term of two years each; and two members appointed for a term of three years each.~~
- ~~3) Thereafter, all appointments shall be for a term of three (3) years. A member may be reappointed upon approval of the City Commission. Appointments to fill any vacancy on the Board shall be for the remainder of the unexpired term of office.~~
- ~~4) If any member fails to attend two of three successive meetings without cause and without prior approval of the Chairman, the Enforcement Board shall declare the member's office vacant, and the City Commission shall promptly fill such vacancy.~~
- ~~5) The members shall serve in accordance with ordinances of the City and may be suspended and removed for cause as provided for in such ordinances for removal of members of the City Commission or other administrative boards.~~

~~b) Organization and Procedures. There is no a) in this section~~

- ~~1) The members of the Code Enforcement Board shall elect a chairman from among its members.~~
- ~~2) A quorum shall consist of three (3) members.~~
- ~~3) Members shall serve without compensation, but may be reimbursed for such travel, mileage and per diem expenses as may be authorized by the City Commission.~~
- ~~4) The Board may adopt rules and regulations of procedure not inconsistent with Florida law or existing ordinances of the City.~~
- ~~5) The City Attorney shall serve as counsel to the Board.~~

~~6) The City Commission may designate certain of its employees or agents as Code Enforcement Officers whose duty it is to enforce codes and ordinances enacted by the City. The training and qualifications for such Code Enforcement Officers shall be determined by the City. Employees or agents who may be designated as Code Enforcement Officers may include, but are not limited to, code inspectors, law enforcement officers, animal control officers, or fire safety inspectors. Such code enforcement officers shall have the powers provided for by state law and city ordinances and act pursuant to state law.~~

~~c) Enforcement Procedures:~~

~~1) It shall be the duty of the Code Enforcement Officer to initiate enforcement proceedings of the various codes; provided however, no member of the Code Enforcement Board shall have the power to initiate such enforcement proceedings.~~

~~2) Except as provided in divisions (3) and (4) below, if a violation of the code is found, the Code Enforcement Officer or other authorized agent shall notify the violator and give him a reasonable time to correct the violation. Should the violation continue beyond the time specified for correction, the code enforcement officer or other authorized agent shall notify the Code Enforcement Board and request a hearing pursuant to the procedure set forth hereinafter. Written notice shall be mailed to such violator as provided herein.~~

~~3) If a repeat violation is found, the Code Enforcement Officer shall notify the violator but it is not required to give the violator a reasonable time to correct the violation. The Code Enforcement Officer, upon notifying the violator or a repeat violation, shall notify the Code Enforcement Board and request a hearing. The Code Enforcement Board, through its clerical staff, shall schedule a hearing and shall provide notice pursuant to Section 162.12 Florida Statutes. The case may be presented to the Code Enforcement Board even if the repeat violation has been corrected prior to the Board hearing, and the notice shall so state.~~

~~4) If the Code Enforcement Officer or other authorized agent has reason to believe a violation presents a serious threat to the public health, safety and welfare of the public, the Code Enforcement Officer or other authorized agent may proceed to directly request a hearing without notifying the violator.~~

~~d) Hearings:~~

~~1) The Chairman of the Code Enforcement Board may call hearings and hearings may also be called by written notice signed by at least two (2) members of the Code Enforcement Board. The Code Enforcement Board may at any hearing set a future hearing date. The Code Enforcement Board shall attempt to convene no less frequently than once every two months, but may meet more or less often as the demand necessitates.~~

~~Minutes shall be kept of all hearings and proceedings by the Code Enforcement Board, and all hearings and proceedings shall be open to the~~

~~public. The City Commission shall provide such clerical and administrative personnel support staff as may be reasonably required by the Code Enforcement Board for the proper performance of its duties.~~

- ~~2) Each case before the Board shall be presented by a member of the administrative staff of the City Commission.~~
- ~~3) The Code Enforcement Board shall proceed to hear cases on the agenda for that day. All testimony shall be under oath and shall be recorded. The Code Enforcement Board shall take testimony from the Code Enforcement Officer or authorized agent, the alleged violator and any other witnesses which may provide relevant and material evidence of the alleged violation. Formal rules of evidence shall not apply, but fundamental due process shall be observed and govern said proceedings.~~
- ~~4) At the conclusion of the hearing, the Code Enforcement Board shall issue findings of fact, based on evidence received, and conclusions of law and shall issue an order affording the proper relief consistent with the powers granted herein. The finding shall be made by motion approved by a majority of those present and voting, except that at least three (3) members of the Code Enforcement Board must vote for the action to be official.~~

~~e) Powers.~~

~~The Code Enforcement Board shall have all powers allowed by Florida law and concurrent jurisdiction to hear and decide cases involving alleged violations of City ordinances. The Code Enforcement Board shall have the power to:~~

- ~~1) Adopt rules for the conduct of its hearings.~~
- ~~2) Subpoena alleged violators and witnesses to its hearings. Subpoenas may be served by the Lake County Sheriff's Department or the City Police Department.~~
- ~~3) Subpoena evidence.~~
- ~~4) Take testimony under oath.~~
- ~~5) Issue orders having the force of law commanding whatever steps are necessary to bring the violation into compliance.~~

~~f) Fines and Liens.~~

- ~~1) The Code Enforcement Board, upon notification by the Code Enforcement Officer or other authorized agent of the City that an order of the Enforcement Board has not been complied with by the set time or, upon finding that a repeat violation has been committed, may order the violator to pay a fine in the amount specified in this section for each day the violation continues past the date set by the Enforcement Board for compliance or, in the case of a repeat violation, for each day the repeat violation continues past the date of notice of the violator of the repeat violation. If a finding of a violation or a repeat violation has been made as~~

~~provided in this part, a hearing shall not be necessary for issuance of the order imposing the fine.~~

~~A fine imposed pursuant to this section shall not exceed \$250 per day for a first a first violation and shall not exceed \$500 per day for a repeat violation. In determining the amount of the fine, if any, the Code Enforcement Board shall consider the following factors:~~

- ~~1) The gravity of the violation;~~
- ~~2) Any actions by the violator to correct the violation; and~~
- ~~3) Any previous violations committed by the violator.~~

~~2) The Code Enforcement Board may reduce a fine imposed pursuant to this section.~~

~~2) A certified copy of an order imposing a fine may be recorded in the Public Records and thereafter constitute a lien against the land on which the violation exists and upon any other real or personal property owned by the violator. Upon petition to the Circuit Court, such order may be enforced in the same manner as a court judgement by the sheriffs of this state, including levy against the personal property, but such order shall not be deemed to be a court judgement except for enforcement purposes. A fine imposed pursuant to this part shall continue to accrue until the violator comes into compliance or until judgement is rendered in a suit to foreclose on a lien filed pursuant to this section, whichever occurs first. After three months from the filing of any such lien which remains unpaid, the Code Enforcement Board may authorize the City Attorney to foreclose on the lien. No lien created pursuant to the provisions of this section may be foreclosed on real property which is a homestead under Section 4, Article X of the State Constitution.~~

~~2) No lien provided for by Section 162, Florida Statutes and this Chapter shall continue for a period longer than 20 years after the certified copy of an order imposing a fine has been recorded, unless within that time an action to foreclose on the lien is commenced in a court of competent jurisdiction.~~

~~f) Appeal.~~

~~An aggrieved party, including the City may appeal a final ruling or final administrative order of the Code Enforcement Board to the circuit court. An appeal shall be filed within thirty days of the execution of the order to be appealed.~~

~~f) Notices.~~

~~All notices required herein shall be provided to the alleged violator by certified mail, return receipt requested; by hand delivery by the Lake County Sheriff's Department or other authorized law enforcement officer including, but not limited to, members of the City Police Department; the code enforcement officer; or any other person designated by the City Commission; or by leaving the notice at the violator's usual place of residence with any person residing therein who is above 15 years of age and~~

~~informing such person of the contents of the notice. In addition to providing notice as set forth above, at the option of the Code Enforcement Board, notice may also be served by publication or posted, as provided by state law. (Ordinance 2014-006 amended Chapter 35 of the City Code of Ordinances to provide for a Special Magistrate System.)~~

SECTION 152.110: LOCAL LAND PLANNING AGENCY

~~(Ordinance 2003-004 requires the following: Additionally, the Local Planning Agency shall include one (1) non-voting representative of the Lake County School District appointed by the Lake County School Board. Discuss alternative options)~~Designation and establishment of Local Land Planning Agency. Pursuant to, and in accordance with Section 163.3174, Florida Statutes, (the Local Government Comprehensive Planning Act of 1975) the City Commission is hereby designated and established as the Local Planning Agency for the incorporated territory of the City.

a) Public Meetings and Records.

All meetings of the Local Planning Agency shall be public meetings and all agency records shall be public records. The Local Planning Agency shall encourage public participation.

b) Appropriation of Funds.

The City Commission shall appropriate funds at its discretion to the Local Planning Agency for expenses necessary in the conduct of its work. The Local Planning Agency may, in order to accomplish the purposes and activities required by the Local Government Comprehensive Planning Act of 1975, expend all sums appropriated and other sums made available for use from fees, gifts, state or federal grants, state or federal loans, and other sources; provided acceptance of loans or grants must be approved by the City Commission.

c) Powers and Duties.

The Local Planning Agency, in accordance with the Local Government Comprehensive Planning Act of 1975, Section 163.3161 through 163.3111, Florida Statutes shall:

- 1) Conduct the comprehensive planning program and prepare the comprehensive plan or elements or portions thereof for the city.
- 2) Coordinate the comprehensive plan or elements or portions thereof with the comprehensive plans of other appropriate local governments and the state.
- 3) Recommend the comprehensive plan or elements or portions thereof to the City Commission for adoption.
- 4) Monitor and oversee the effectiveness and status of the comprehensive plan and recommend to the City Commission such changes in the comprehensive plan as may be required from time to time.

CHAPTER 158

STORMWATER MANAGEMENT

SECTION 158.010: PURPOSE AND INTENT.

The purpose of the Chapter is to 1) preserve the water resources of the City, which are critical to the public health, safety and welfare of its citizens; 2) control stormwater runoff so as to prevent erosion, sedimentation and flooding; and 3) encourage recharge of the aquifer upon which the public depends for potable fresh water.

- a) The requirements hereafter are designed to allow landowners reasonable use of their property while promoting the following objectives:

Prevent loss of life and significant loss of property due to flooding; to protect, restore, and maintain the chemical, physical and biological quality of ground and surface waters; to encourage productive and enjoyable harmony between humanity and nature; to prevent individuals, business entities and governmental entities from causing harm to the community by activities which adversely affect water resources; to encourage the protection of wetlands and other natural systems and the use of those natural systems in ways which do not impair their beneficial functioning; to minimize the transport of sediments and pollutants to surface waters; to protect, restore, and maintain the habitat of fish and wildlife; to perpetuate natural groundwater recharge; to encourage the use of drainage systems which minimize the consumption of electrical energy or petroleum fuels to move water, remove pollutants or maintain the system; to ensure the attainment of these objectives by requiring approval and implementation of water management plans for all activities which may have an adverse impact upon groundwater and surface water; and to implement the Surface Water Management (SWM) program of the St. Johns River Water Management District.

SECTION 158.020: JURISDICTION.

This Section shall apply in all areas of the City of Fruitland Park.

SECTION 158.030: PERMIT REQUIREMENTS.

- a) No person shall conduct a development activity, or subdivide or make any change in the use of land, or construct any storm water management system or structure, or change in the size of an existing structure or system, except as exempted in Section 158.040 of this Chapter, without first obtaining a permit from the City Manager or designee as provided herein.
- b) The requirements of this section shall be implemented, and shall be satisfied completely, prior to:
- 1) Final subdivision plat approval; or **bonding of improvements.**
 - 2) Issuance of a Certificate of Occupancy on approved site plan projects; and

- 3) Final inspection for all projects.
- c) Approval of the storm water management permit shall be contingent on approval of any required Management and Storage of Surface Waters (MSSW) permit from the St. Johns River Water Management District but will not result in automatic approval of the stormwater management permit by the City Manager or designee.
- d) For the purposes of this section, the following activities may alter or disrupt stormwater runoff patterns and shall, therefore, unless exempt in accordance with Section 158.040 require a permit prior to the initiation of any project:
 - 1) Clearing and/or construction for the drainage of land;
 - 2) Replatting recorded subdivisions and the development of recorded and unrecorded subdivisions;
 - 3) Changing the use of land and/or the construction of a structure;
 - 4) Changing the size of one or more structures;
 - 5) Altering shorelines or banks of waterbodies;
 - 6) ~~Increasing by five hundred (500) square feet or greater the impervious area of any parcel of land; and~~
 - 7) Using natural or artificial waterbodies for storm water management purposes.
- e) Construction site operators must control waste such as discarded building material, concrete truck washout, chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality.

SECTION 158.040: EXEMPTIONS.

For the purposes of this section, the following activities shall be exempted from further consideration under the provisions of this section. However, these exemptions do not preclude the need to comply with other Chapters of this code.

a) ~~Residential Parcel Exemption.~~

~~Residential parcels where such parcels are part of an overall subdivision which has been approved in accordance with the Land Development Code.~~

b) ~~Agricultural Exemptions.~~

~~1) Facilities for agricultural lands, provided those facilities are part of an approved Conservation Plan by the Soil Conservation Service, however, if the Conservation Plan is not implemented according to its terms, this exemption shall be void.~~

~~2) In determining whether an exemption is available to a person engaged in the occupation of agriculture, the purpose of the topographic alteration~~

must be consistent with the practice of agriculture and such alteration may not be for the sole or predominant purpose of impounding or obstructing surface waters. In determining consistency with the practice of agriculture occupations, the Section will refer to the following publications: "A Manual of Reference Management Practices for Agricultural Activities (November 1978". The following activities, structures and waterbodies are considered as having impoundment or obstruction of surface waters as a primary purpose:

- A) ~~Section 158.040(b)(1), when such practice would cause diverted water to flow directly onto the property of another landowner;~~
 - B) ~~Floodwater retarding structure;~~
 - C) ~~Irrigation pit or regulating reservoir;~~
 - D) ~~Pond;~~
 - E) ~~Structure for water control;~~
 - F) ~~Regulating water in drainage systems; and~~
 - G) ~~Pumping plant for water control, when used for controlling water levels on land.~~
- 3) ~~Other practices which are described in the Manual and which are constructed and operated in compliance with Soil Conservation service standards and approved by the Lake County Soil and Water Conservation District are presumed to be consistent with agricultural activities. Activities or practices not described in the manual are presumed to be inconsistent with the practice of agriculture.~~
- e) Silvicultural Exemption.
- 1) ~~Facilities for silvicultural lands, provided that the facilities are constructed and operated in accordance with the Silviculture Best Management Practices Manual, (1979), published by the State of Florida, Department of Agriculture and Consumer Services, Division of Forestry; and provided further that a Notice of Intent to conduct silviculture activity is received by the City Manager or designee in accordance with the provisions in Subsection 158.040(c)(5) below.~~
 - 3) ~~In determining whether an exemption is available to a person engaged in the occupation of silviculture, the purpose of the topographic alteration must be consistent with the practice of silviculture and such alteration may not be for the sole or predominant purpose of impounding or obstructing surface waters. The following activities are presumed to be consistent with the practice of silviculture when they are undertaken to place property into silviculture use or perpetuate the maintenance of property in silviculture use:~~
 - A) ~~Normal site preparation for planting of the tree crop;~~

~~B) Planting; and~~

~~C) Harvesting.~~

~~3) If any activity is undertaken to place the property into use other than silviculture, the activity is not considered to be consistent with the practice of silviculture and shall be subject to permitting by the City.~~

~~4) Specifically exempt from permitting under this section are the construction, operation, maintenance, alteration, abandonment and removal of above grade, unpaved, upland silvicultural roads with up to twenty-eight (28) feet of road surface within a construction corridor up to fifty (50) feet in width. These roads must incorporate sufficient culverts at grade and may have associated borrow ditches. Road ditches exempted under this provision are those constructed only to obtain road material for the exempt road and to provide only enough storage to maintain a dry road surface. Exempt road ditches must not be designed nor may they serve to provide drainage to the tract adjoining the road. These road ditches must not connect directly or indirectly to any works not owned by the person who owns the exempt road and must be separated from streams, watercourses or~~

~~5) No construction, operation, maintenance, alteration, abandonment or removal of a minor silvicultural surface water management system shall commence until a completed Notice of Intent is received by the City Manager or designee. If the activities described above are undertaken without proof of Notice of Intent to the City Manager or designee, these activities shall be considered as being undertaken without a permit. The Notice of Intent shall only authorize construction, operation, maintenance, alteration, abandonment or removal when it is received by the City Manager or designee and provided the proposed activity qualifies under this section.~~

a) Residential, Agricultural, Silvicultural Exemptions.

All exemptions within these categories shall follow the exemption criteria as set forth by the current St. Johns River Water Management District Regulations.

db) Emergency Exemption.

Emergency maintenance work performed for the protection of public health and welfare.

ec) Maintenance Exemption.

Any maintenance to an existing system made in accordance with permitted plans and specifications.

fd) Single-Family or Duplex Exemption.

Single-family or duplex residential construction on a single lot.

SECTION 158.050: PERFORMANCE CRITERIA.

Stormwater management permit applications shall be approved by the City Manager or designee when it is demonstrated to the satisfaction of the City Manager or designee that the proposed development activity has been planned and designed, and shall be constructed and maintained, to meet the performance criteria described herein. ~~The stormwater management system design shall conform to the City of Fruitland Park Stormwater Design Standards approved and adopted by the City Commission.~~ **The stormwater management system design shall conform to the most recent regulations adopted by the St. Johns River Water Management District, and meet the Design Standards approved and adopted by the Water Management District.**

- a) All developments within a riverine flood hazard shall be designed to maintain the flood carrying capacity of the floodway such that the base flood elevations are not increased, either upstream or downstream.
- b) All residential and non-residential structures constructed in the 100 year floodplain shall have the finished first floor of the building elevated a minimum of two (2) feet above the elevation of the 100 year flood, as determined by the City Manager or designee. For industrial development, flood proofing may be substituted in lieu of elevating the finished floor.
- c) Development shall not result in an increase in the 100 year flood elevation. No fill shall be allowed to be placed in the 100 year floodplain without an equivalent volume of soil removed to compensate for the loss of flood storage. Compensating storage is to be determined by the volume of material removed above the ordinary high water table and below the 100 year flood elevation established for that area. Fill placed in the 100 year floodplain shall not reduce the flow rate.
- d) ~~Projects shall be designed so that storm water discharges meet, at a minimum, the water quality criteria set forth by the St. Johns River Water Management District and the requirements of the City of Fruitland Park Storm Water Design Standards in order to achieve the state water quality standards established by the Florida Department of Environmental Regulation in Chapter 17-3, Florida Administrative Code.~~
- e) ~~The peak rate of flow of the discharge hydrology for the project site shall not exceed the pre-development peak rate of flow for the range of storms specified in the City of Fruitland Park Storm Water Design Standards, if the project area is not contributory to land locked area with no positive outlet. When the project area is contributory to a land locked area with no positive outlet, the project shall provide extended detention for the difference in volume of storm water discharge for pre-development and post-development conditions from the 25-year, 96-hour storm event.~~
- f) ~~The storm water management system shall not create an adverse impact to upstream or downstream areas. Offsite areas which discharge to or across a site proposed for development shall be accommodated in the storm water management plans for the development. No storm water management permit application shall be approved until the Applicant demonstrates that the runoff from the project shall not overload or otherwise adversely impact any downstream areas.~~

~~g) The stormwater management system shall not cause adverse environmental impacts to wetlands, fish, wildlife or other natural resources.~~

~~h) Wetland shall not be used for storm water treatment.~~

~~i) Wetlands shall not be used to attenuate runoff peak rates except for isolated wetlands which are wholly contained on site, provided that the utilization of the wetlands for storm water attenuation does not disrupt the normal range of water level fluctuation as it existed prior to construction of the wetland discharge facility.~~

e) d) Storm water facilities shall be designed to perform as follows:

1) Bridges. Hydraulic profile shall be below the top cord of the bridge for the 50-year, 24-hour storm.

~~2) Storm water detention and retention ponds which are contributory to land locked areas with no positive outlet shall be designed for the 25 year, 96 hour storm.~~

~~3) Canals, ditches, or culverts external to the development and storm water detention or retention basins which are part of a project that is not contributory to a land locked area with no positive outlet, shall be designed for the 25 year, 24 hour storm.~~

2) Storm water flooding for all arterial and collector roads (as classified in Section 157.080(a)(3)) shall not exceed one-half (1/2) of the roadway width. For all local roads (as classified in Section 157.080(a)(3)) storm water flooding shall not exceed the crown of the road for the 10-year, 24-hour storm.

3) Storm sewers and roadside swales shall be designed such that the hydraulic gradient is 1.0 foot below the gutter line or edge of pavement for arterial roadways; and 0.5 feet below the gutter line or edge of the pavement for collector and local roadways for the 10-year, 24-hour storm.

e) All proposed stormwater management systems shall be designed to prevent flooding, promote safety and minimize health hazards.

f) All stormwater management systems shall be designed to reduce the pollution of surface water and groundwater resources by storm water, control erosion and provide for recharge where appropriate. The City Manager or designee, while enforcing standards set for pollution and sedimentation control, may encourage or request innovative approaches to control pollution and erosion, and to provide for recharge.

SECTION 158.060: STORMWATER MANAGEMENT SYSTEM DESIGN CRITERIA

- ~~a) Stormwater management systems shall be designed in accordance with the criteria contained in the City of Fruitland Park Stormwater Design Standards approved and adopted by the City Commission as set out in Appendix 2 of the Land Development Code.~~
- ~~b) The City may periodically modify these storm water design criteria to meet the objectives of this section or other construction codes which may be required by the City. These modifications shall be complied by the City Manager or designee in a set of amended City of Fruitland Park Storm Water Design Standards and incorporated into the adopted City of Fruitland Park Storm Water Design Standards.~~

Clearing and Grading Standards.

- a) The purpose of this section is to provide specific criteria for allowable clearing and grading in order to prevent soil erosion and any impact on adjoining properties. Specific criteria for a clearing permit is located within Chapter 160, Site Development Plan Approval, Section 160.090 "Issuance of Development Permits".

In addition, the purpose of this Section is to comply with Comprehensive Plan Policy 5-2.7 Reduce Sediments and Suspended Solids Associated with Shoreline Erosion and Policy 5-7.1 Implementing Erosion Control.

- b) A clearing permit shall be secured and clearing shall be completed prior to the issuance of any other development permit. No site clearing shall take place on any subject property to an approved site development plan until a clearing permit has been issued by the City Manager or designee. Standards and criteria for a clearing permit is stated within Section 160.090, "Issuance of Development Permits," as stated above.
- c) Standard practices shall be used to prevent erosion and the depositing of soils off-site. This shall also include the protection of bare soils from wind forces. Factors which influence erosion potential include soil characteristics, vegetative cover, topography and climatic conditions. The following principles must be considered in planning and undertaking construction within the development (~~NPDES Rules Applicant's Handbook, Management and Storage of Surface Waters, St. Johns River Water Management District, 40C-4~~).
 - 1) Plan the development to fit topography, soils and drainage patterns;
 - 2) Minimize the extent of area exposed at one time and the duration of exposure;
 - 3) Schedule areas with greatest erosion potential for dry, rather than wet, season exposure;
 - 4) Apply erosion control practices to minimize erosion from disturbed areas;
 - 5) Apply perimeter controls to protect the disturbed area from off-site runoff and to trap eroded material on-site to prevent sedimentation in a downstream area;

- 6) Stabilize the disturbed area immediately after the final grade has been attained or during interim periods of inactivity resulting from construction delays; and
 - 7) Implement a thorough maintenance and follow-up program.
- d) A plan must be prepared and submitted to the City Manager or designee with the permit application. The plan must include consideration of the site specific erosion potential, including slopes, soil erodability, vegetative cover, and runoff characteristics. The following is a listing of the information which must be included in the plan, to be shown on the construction or alteration plans, detail sheets or other appropriate documents.
- 1) The existing and proposed topography;
 - 2) A general description of the predominant soil types on the site, and the corresponding erodability potential as described by the appropriate soil survey information or on-site investigation;
 - 3) Schedule and general description of each construction phase of the project. At a minimum, the following applicable phases must be addressed: clearing, excavation earthwork, embankment earthwork, site utilities, roads, site grading and stabilization. The schedule must include estimated starting date and duration. Description must include limits of area impacted by each phase; and
 - 4) For each phase a description is required for individual erosion control measures, which are required to be shown on construction plans or detail sheets.
 - i) Estimated date of installation and removal;
 - ii) location;
 - iii) purpose of measure and areas served;
 - iv) detailed construction drawings and specifications;
 - v) operation and maintenance schedule;
 - vi) all documentation including referenced design standards and specifications.
- e) The burying of rubbish, logs, lumber, building materials, underbrush, trash or other matter which would decompose or allow the land to thereafter settle is hereby determined to be a change or modification of the grade of land for which no permit shall be issued.
- Duly authorized landfills and limited burying as approved as part of the construction of landscaped berms and similar features in non-buildable areas.
- f) If construction is planned within shoreline areas all necessary measures shall be taken to minimize soil erosion and to control sedimentation in the

disturbed area. The following protection shall be provided for all disturbed areas:

- A) Minimize velocities of water runoff.
 - B) Maximize protection of disturbed areas from stormwater runoff.
 - C) Retain sedimentation within the development site as early as possible following the disturbance.
- g) Erosion control measures must be taken to prevent detachment and transportation of soil particles. The property owner or his designee shall not adversely impact aquatic vegetation within the wetland littoral zone located between the upland area and the ordinary high water line. No such vegetation shall be disturbed without the required state and federal regulatory agency permits.

The property owner or his agent shall acquire the necessary permits, if applicable, from the Florida Department of Environmental Regulation (FDER), St. Johns River Water Management District (SJRWMD), U.S. Army Corps of Engineers (ACOE), and the Florida Department of Natural Resources (FDNR).

Turbidity barriers must be installed at all locations where the possibility of transferring suspended solids into the receiving waterbody exist due to the proposed work. Turbidity barriers must remain in place at all locations until construction is completed and soils are stabilized and vegetation has been established. Thereafter the property owner will be responsible for the removal of the barriers.

The property owner or his agent must implement and operate all erosion and sediment control measures required to retain sediment on-site and to prevent violations of water quality standards as specified in Chapters 17-3 and 17-4, F.A.C. If construction is scheduled to occur within open water areas turbidity curtains must be correctly placed to control sedimentation and turbidity within the waterbody. The property owner or his agent is encouraged to use appropriate Best Management Practices for erosion and sediment control as described in the Florida Land Development Manual: A Guide to Sound Land and Water Management, FDER, 1988.

SECTION 158.070: DEDICATION OF DRAINAGE EASEMENTS AND RIGHTS-OF-WAY.

- a) Drainage easements or rights-of-way, as specified in the City of Fruitland Park Stormwater Design Standards, shall be conveyed by the owner at no expense to the City for the stormwater facilities within the development.
- b) When a proposed drainage system will carry water across private land outside the development, the off-site drainage easements as specified in the City of Fruitland Park Stormwater Design Standards shall be secured by the owner or applicant and indicated on the plat, or in a separate recorded document approved by the City.

- c) When a development is traversed by a watercourse or open channel, the applicant shall provide a drainage easement or right-of-way conforming substantially to the lines of such watercourse or open channel, which shall be a minimum width, as specified in the City of Fruitland Park Stormwater Design Standards. Wherever possible, drainage shall be maintained by an open channel with landscaped banks with adequate width for the maximum potential volume of flow.
- d) Easements and rights-of-way shall include suitable access as specified in the City of Fruitland Park Stormwater Design Standards for maintenance equipment from public rights-of-way.
- e) All drainage easements, both on-site and off-site shall be recorded on a final plat or a separate recorded document approved by the City.

SECTION 158.080: MAINTENANCE.

All stormwater maintenance shall be in conformance with the latest St. Johns River Water Management District Regulations.

~~a)The City Manager or designee shall approve a written maintenance plan upon a finding that the plan meets the terms of this Section. The written operation and maintenance plan shall contain the information in this section as the minimum criteria that shall be accepted by the City Manager or designee. The Maintenance plan shall include:~~

- ~~1)Demonstration of the ability of an entity to provide adequate maintenance;~~
- ~~2)Written agreement of acceptance of an entity to maintain the facilities;~~
- ~~3)Specific maintenance activities to be performed;~~
- ~~4)Frequency of maintenance activity; and~~
- ~~5)Measurable objective of maintenance activity.~~

~~b)The installed stormwater system shall be maintained by the legal entity responsible for maintenance. All stormwater management permit applications shall contain documentation sufficient to demonstrate that the operation and maintenance entity is the legal entity empowered and obligated to perpetually maintain the stormwater management facilities. The City considers the following entities acceptable to operate and maintain stormwater management facilities:~~

- ~~1)Local governmental units including the City, County, other municipalities or Municipal Service Taxing Units.~~
- ~~2)Active Chapter 298, Florida Statute, water control districts or drainage districts, or Chapter 190, Florida Statute, Community Development Districts, or Chapter 170, Florida Statute, Special Assessment Districts.~~

- ~~3) Non-profit corporations including homeowners associations, property owners condominium associations, or master associations under certain conditions which ensure that the corporation has the financial, legal and administrative capability to provide for the long term operation and maintenance of the facilities.~~
- ~~4) The property owner or developer as permittee is normally not acceptable as a responsible entity, especially when the property is to be sold to various third parties. However, the property owner or developer may be acceptable under one of the following circumstances.~~
- ~~A) The property is wholly owned by permittee and the ownership is intended to be retained. This would apply to a farm, corporate office, or single industrial facility, for example.~~
- ~~B) The ownership of the property is retained by the permittee and is either leased to third parties (such as in some shopping centers) or rented to third parties (such as in some mobile home parks), for example.~~
- ~~e) The stormwater management system to be maintained by the legal entity shall have adequate easements, in accordance with Section 158.070 of the Land Development Code, to permit the City to inspect, and if necessary, to take corrective action should the legal entity fail to maintain the system properly.~~
- ~~d) Maintenance of stormwater facilities shall allow the stormwater management system to perform as originally designed and permitted by the City and other appropriate governmental agencies and as set forth in the written plan.~~
- ~~e) Maintenance shall include compliance with City building and construction codes, and all other applicable City codes.~~
- ~~f) Non Profit Corporations shall annually report to the City the maintenance year and demonstrate their financial capability to provide the required maintenance for the coming year. This shall be done to reflect compliance with their written maintenance plan.~~
- ~~g) The legal entity shall execute and record a document acceptable to the City which defines its authority and responsibility for maintenance of the stormwater management system, defines how the maintenance is to be performed, defines the funding mechanisms for the required maintenance, and provides a legal mechanism assuring the perpetuation of the maintenance.~~
- ~~h) In order to assure maintenance during the two five (25) year maintenance period security shall be submitted before acceptance of the constructed facilities. The security shall be in the form of an approved financial instrument which may be limited to, cash or performance bonds and letters of credit. The amount of security shall be ten percent (10%) of the certified construction cost estimate or the actual construction amount. The security shall be released at the end of the two five (25) year period upon inspection which confirms that the system has been properly maintained and is operating in accordance with the approved construction plans.~~

SECTION 158.090: INSPECTIONS.

Subsequent to the permittee satisfying the requirements of Section 158.060, other applicable sections and the issuance of the appropriate permit, the permittee shall, during construction, arrange and schedule the following inspections by the City Manager or designee:

- a) During clearing operation and excavation to assure that effective control practices relative to erosion and sedimentation are being followed.
- b) All underground conveyance and control structures prior to backfilling.
- c) Final inspection when all systems required by the permittee's approved stormwater management plan have been installed.
- d) The Professional Engineer or Landscape Architect for the project shall submit a signed and sealed set of as-built plans, on reproducible Mylar brand polyester film drawing sheets, to certify the system has been constructed as designed and satisfies all conditions of the stormwater management permit. Where changes have been made to the stormwater management system which deviate from the approved construction plans, the Professional Engineer or Landscape Architect shall submit supporting documentation with the as-built plans which proves that the stormwater systems shall be in compliance with this section and the City of Fruitland Park Stormwater Design Standards (STDS). Failing to substantiate compliance with this section and STDS the project shall be modified prior to issuance of a CO.
- e) Maintenance and compliance inspections of stormwater management systems shall be conducted on a routine, periodic basis, as deemed appropriate by the City, **the St. Johns River Water Management District**, or as complaints arise concerning the system. By seeking and obtaining a permit under this Section, the operator and owner shall be deemed to have consented to inspections by the City and other appropriate regulatory agencies or City Manager or designee upon presentation of proper identification by the representative(s) of the agency(ies) conducting the inspection.

SECTION 158.100: ENFORCEMENT.

If the City Manager determines that the project is not being carried out in accordance with the approved plan, or if any project subject to this Chapter is being carried out without a permit, the City Manager is authorized to:

- a) Give the legal entity written notice of this corrective action required to be taken. Should the legal entity fail within thirty (30) days of the date of the notice to complete such corrective action, the City may enter upon the property, take the necessary corrective action, bill the violator and if the bill is not paid within ninety (90) days, file a lien upon the property for the cost of such corrective action.
- b) The City may take appropriate corrective action in the event of an emergency situation which endangers persons or property or both as determined to exist by the City Manager.

- c) Issue written notice to the permittee specifying the nature and location of the alleged noncompliance, with a description of the remedial actions necessary to bring the project into compliance within five (5) working days.
- d) Issue a stop-work order directing the permittee or persons in possession to cease and desist all or any portion of the work that violates the provisions of this Chapter if the remedial work is not completed within the specified time. The permittee shall then bring the project into compliance.

SECTION 158.110: EMERGENCY EXEMPTION.

- a) This Chapter shall not be construed to prevent the doing of any act necessary to prevent material harm to or destruction of real or personal property as a result of a present emergency, including, but not limited to, fire, infestation by pests, or hazards resulting from violent storms or hurricanes or when the property is in imminent peril and the necessity of obtaining a permit is impractical and would cause undue hardship in the protection of the property.
- b) A report of any such emergency action shall be made to the City Manager by the Owner or person in control of the property upon which emergency action was taken as soon as practicable, but no more than ten (10) days following such action. Remedial action may be required by the City Manager subject to appeal to the City Commission in the event of a dispute.

SECTION 158.120: VARIANCES.

When an applicant can show that, due to no fault of his own, but, because of strict interpretation of this Chapter, a hardship has been created, the Commission may grant a variance to any of the requirements of this Chapter, in accordance with Chapter 168 of the Land Development Code.

SECTION 158.130: APPEALS OF CITY DECISION.

The City Commission shall have the power and authority to hear and decide appeals when it is alleged that there is error in any order, requirement, decision, or determination made by the City Manager or designee in the administration of this Chapter, to determine whether the administrative determination appealed from was correct or not, and if not, to make proper determination.

SECTION 158.140: VIOLATIONS AND PENALTIES.

The following penalties shall be available to the event of a violation of the provisions of this Chapter of the City of Fruitland Park Code, any other applicable laws, rules or regulations or permits.

- a) Enforcement. All violations of the terms and conditions of the approved storm water management system permit, this Chapter, or any other Chapter, rule, regulation or law may be enforced by enforcement action of the City Manager.

- b) Civil or Criminal Enforcement. Nothing in this Chapter precludes the City of Fruitland Park from seeking immediate injunctive relief or taking such other lawful action, including but not limited to, forfeiture of the financial security held by the City to prevent or remedy any violation of any approved storm water management system permit, or any violation of the terms of this or any other City Code, or any other law, rule or regulation. Violation of any of the terms and conditions of any approved storm water management system permit, or any of the terms and condition of this Chapter, may be prosecuted as provided in Chapter 125, Florida Statutes, Section 125.69.
- c) Cumulative Effect. The penalties provided for herein are cumulative. Use of one method of enforcement shall not preclude the City from using other methods of enforcement for the same violation.

CHAPTER 159

UTILITIES

SECTION 159.010: PURPOSE AND INTENT.

The following requirements and regulations are intended to provide water, sewer service, solid waste, and stormwater facilities necessary to: 1) meet the level of service requirements of the Comprehensive Plan; 2) provide adequate service capacities for individual projects; and 3) meet the requirements of other related Codes and standards adopted by the City or required by regional, State and Federal agencies.

SECTION 159.020: IN GENERAL.

a) Furnishing Water or Sewer Free of Charge Prohibition.

No water or sewer shall be furnished free of charge to any person, firm or corporation, whatsoever, except to the City for municipal purposes.

b) City of Fruitland Park Utility Service Zone.

Pursuant to the provisions of F.S. 180.02(3), the following described area is hereby designated as the City Utility Service Zone. Bounded on the north by the south side of Lake Ella Road and Eagles Nest Road, east to the shore line of Lake Griffin, south along the west shoreline of Lake Griffin to the south line of Section 11, Township 19 South, Range 24 East, west along the south line of Sections 10 and 11 to the northeast corner of Section 16, south along the east line of Section 16 to the mid-section line, west along the mid-section line of Sections 16, 17, and 18 to the Sumter County line.^[MS1] (Public Works Director to update city boundaries if service area has changed)

All persons or corporations living or doing business within the Utility Service Zone shall connect, when available, into the utility system when constructed, erected, extended, and operating in the designated area by the City in accordance with the pertinent ordinances of the City, State, or any other that may hereinafter be enacted.

"Notwithstanding this provision, as set forth further in Section 159.020(c) below, connection to the municipal sewer system by owners of lots or parcels lying outside the corporate limits of the City is not currently mandatory, but the City Commission reserves the right to amend such provision as deemed necessary to promote and protect the health and welfare of the citizens of Fruitland Park and its surrounding areas.^[MS2] (Will City require connection if property is located OUTSIDE of city limits?)

c) Connection to Fruitland Park Utility Systems.

Where the same shall be available, the owner of every lot or parcel of land within the city, shall connect or cause the plumbing of any building or buildings thereon to be connected with the municipal waterworks and sewer systems of the city, and use the facilities of those systems. All connections shall be made

in accordance with the rules and regulations which shall be adopted from time to time by the City Commission, which rules and regulations shall provide for a charge for making any connections in a reasonable amount as the Commission may fix and determine. However, this chapter shall not be construed to entitle any person to cross the private property of another to make any utility connections during the initial construction of any distribution line of the waterworks or a collection/transmission component of the sewer system.

Also, where same shall be available, connection to the municipal waterworks and sewer systems by owners of lots or parcels lying outside the Corporate limits of the City is not mandatory. A request for connection to the waterworks or sewer system by such owners or legally authorized persons is subject to the approval of the City Commission. However, those owners of lots or parcels lying outside the Corporate limits of the City that are connected to the City waterworks must also connect to the City Sewer System where same is deemed available.

The owner of the property shall be responsible for maintaining all plumbing on the property and the pipe leading and connecting from the waterworks system distribution lines. Pursuant to Section 159.050(j) and (n) the City shall maintain the sewer system components described therein.

d) Adoption of Standard Construction Details.

All utility construction shall comply with Standard Construction Details as adopted by the City Commission. Any deviation from the adopted standards shall be clearly noted in plans and specifications as such and specifically approved by the City. If inadvertent deviations in plans are not so noted, adopted standards shall apply.

SECTION 159.030: WATER SERVICE.

a) Minimum Service Requirements.

All development shall provide new facilities, or expand existing facilities, to provide minimum service as follows:

- 1) Subdivisions shall construct water mains necessary to provide adequate water service for domestic use and fire protection to each lot created. Minimum water main size installed shall be per Table ~~160-1~~ 159-1 "Minimum Main, Size, Flow Rate, and Hydrant Spacing by Land Use." Water service taps shall be installed for each lot, with a minimum $\frac{3}{4}$ " tap for single residential service, and a minimum one inch (1") tap for a double residential service. Commercial services shall be sized based on the anticipated highest water demand of allowed land uses.
- 2) Site development plans shall show construction of water mains extending to the site and on site, as necessary to provide adequate water service for domestic use and fire protection for the proposed buildings and uses. Minimum water main size installed shall be per Table ~~160-1~~ 159-1 "Minimum Main Size, Flow Rate, and Hydrant Spacing by Land Use." Water service tap(s) shall be installed if not already available, based on

the anticipated domestic water and fire sprinkler flow demand of the proposed building and use.

- 3) Use of private wells for potable water supply shall not be permitted.

b) Water System Technical Standards.

- 1) General.

Any potable water supply system within the city shall be designed, installed and maintained in such a manner as to prevent contamination from nonpotable liquids, solids or gases being introduced into the potable water supply through cross connections or any other piping connections to the system.

- 2) Cross Connections Prohibited.

Cross connections between potable water systems and other systems or equipment containing water or other substances of unknown or questionable quality are prohibited except when and where, as approved by the City, suitable protective devices such as the reduced-pressure-zone-backflow-preventer or equal are installed, tested, and maintained to ensure proper operation on a continuing basis.

- 3) Interconnections.

Interconnections between two or more public water supplies shall be permitted only with the approval of the State or Federal authority having jurisdiction. Cross connections between an individual water supply and a potable public supply shall not be made unless specifically approved by the authority having jurisdiction.

- 4) Prohibited Connections to Fixtures and Equipment.

Connection to the potable water supply system for the following is prohibited unless protected against backflow in accordance with section 6 as set out herein.

- A) Bidets;
- B) Operating, dissection, embalming and mortuary tables or similar equipment – in such installations the hose used for water supply shall terminate at least twelve (12) inches away from every point of the table or attachment;
- C) Pumps for nonpotable water, chemicals, or other substances—priming connections may be made only through air gap.
- D) Building drainage, sewer, or vent systems; or
- E) Any other fixture of similar hazard.

5) Refrigerating Unit Condensers and Cooling Jackets.

Except where potable water provided for refrigerator condenser or cooling jacket is entirely outside the piping or tank containing a toxic refrigerant, the inlet connection shall be provided with an approved check valve. Also, if the refrigeration units contain more than 20 pounds of refrigerants, an approved pressure-relief valve set to relieve at five pounds per square inch (psi) above the maximum water pressure at the point of installation shall be provided adjacent to and at the outlet side of the check valve.

6) Protection Against Backflow and Back Siphonage.

A) *Water Outlets.*

A potable water system shall be protected against backflow and back-siphonage by providing and maintaining at each outlet:

- i) An air gap, as specified in Section ~~159.030(b)(6)(A)(ii)~~ 159.030(b)(6)(B) below, between potable water outlet and the flood-level rim of the fixture it supplies, or between the outlet and any other source of contamination; or
- ii) A backflow preventer.

B) *Minimum Required Air Gap.*

- i) *Measurements*—The minimum required air gap shall be measured vertically from the lowest end of potable water outlet to the flood rim or line of the fixture or receptacle into which it discharges.
- ii) *Size*—The minimum required air gap shall be twice the effective opening of a potable water outlet unless the outlet is a distance less than three times the effective opening away from a wall or similar vertical surface, in which case, the minimum required air gap shall be three times the effective opening of the outlet.

C) *Approval of Devices.*

Before any device for the prevention of backflow or back-siphonage is installed, it shall have first been certified by a recognized testing laboratory acceptable to the City. Devices installed in a building's potable water supply distribution system for protection against backflow shall be maintained in good working condition by the person or persons responsible for the maintenance of the system. The City Manager or designee shall routinely inspect such devices and, if found to be defective or in-operative, shall require the replacement thereof.

D) *Installation of Devices.*

- i) *Vacuum Breakers*—Vacuum breakers shall be installed with the critical level at least six inches above the flood-level rim of the fixture they serve and on the discharge side of the last control valve to the fixture. No shutoff valve or faucet shall be installed beyond the vacuum breaker. For closed equipment or vessels, such as pressure sterilizers, the top of the vessel shall be treated as the flood-level rim, and a check valve shall be installed on the discharge side of the vacuum breaker.
- ii) *Reduced-pressure-principle-backflow-preventer* — A reduced-pressure-principle-type-backflow-preventer may be installed subject to full static pressure.
- iii) *Devices of All Types*—Backflow and back-siphonage preventing devices shall be accessibly located, preferably in the same room with the fixture they serve. Installation in utility or service spaces, provided they are readily accessible, is also permitted.

E) *Tanks and Vats below Rim Supply.*

- i) Where a potable water outlet terminates below the rim of a tank or vat, the overflow pipe shall be provided with an air gap as close to the tank as possible.
- ii) The potable water outlet to a tank or vat shall terminate a distance not less than 1½ times the height to which water can rise in the tank above the top of the overflow. This level shall be established at the maximum flow rate of the supply to the tank or vat and with all outlets except the air gap overflow outlet closed.
- iii) The distance from the outlet to the high water level shall be measured from the critical point of the potable water supply outlet.

F) *Protective Devices Required.*

Approved devices to protect against backflow and back-siphonage shall be installed at all fixtures and equipment where backflow or back-siphonage may occur and where a minimum air gap cannot be provided between the water outlet to the fixture or equipment and its flood-level rim.

- i) *Connections not Subject to Back Pressure*—Where a water connection is not subject to back pressure, a vacuum breaker shall be installed on the discharge side of the last valve on the line serving the fixture or equipment.
- ii) *Connections Subject to Back Pressure*—Where a potable water connection is made to a line, fixture, tank, vat, pump or other equipment with a hazard of backflow or back-siphonage

where the water connection is subject to back pressure, and an air gap cannot be installed, the City Manager or designee may require the use of an approved reduce-pressure-principle-backflow-preventer.

~~G) *Double Check Valves.*~~

~~The City Manager or designee may authorize installation of approved, double check valve assemblies with test cocks as protective devices against backflow in connections between a potable water system and other fluid systems that present no significant health hazard in the judgment of the City Manager.~~

H) *Low Pressure Cutoff Required on Booster Pumps.*

When a booster pump is used on a water-pressure booster system and the possibility exists that a positive pressure of 10 psi or less may occur on the suction side of the pump, there shall be installed a low-pressure cutoff on the booster pump to prevent the creation of a vacuum or negative pressure on the suction side of the pump, thus cutting off water to other outlets.

c) Maintenance Requirements.

1) *General Requirements.*

It shall be the responsibility of building and premise owners to maintain all backflow preventers and vacuum breakers within the building or on the premises in good working order and to make no piping or other arrangements for the purpose of bypassing backflow devices.

2) *Backflow Preventers.*

Periodic testing and inspection schedules shall be established by the City Manager or designee for all backflow preventers, and the interval between testing and inspections and overhauls of each device shall be established in accordance with the age and condition of the device. Inspection intervals should not exceed one (1) year, and overhaul intervals should not exceed five (5) years. These devices should be inspected frequently after the initial installation to ensure that they have been installed properly and that debris resulting from the installation has not interfered with the functioning of the device. The testing procedures shall be in accordance with the manufacturer's instructions when approved by the City.

d) Water Distribution System Design.

The layout of water distribution systems shall comply with the following design criteria, and the adopted Standard Utility Details of the City.

1) *Minimum Size.*

When designing water mains to meet the criteria above, main size shall always be sized so that any new main is fed by an existing main of equal or larger size.

2) Extension of Lines to Project Boundaries.

Water mains shall be designed to "stub out" to the project boundaries to serve adjacent unserved properties. This shall include mains in all right-of-way stubs, across the entire project frontage on existing roads without existing mains, and to the property boundary via easement when there is insufficient access to provide a looped system to adjacent unserved properties.

3) Valves.

Valves shall be provided so that inconvenience and sanitary hazards will be minimized during repairs. Valves should be located at no more than five hundred (500) foot intervals in commercial districts and at no more than eight hundred (800) foot intervals in other districts.

4) Looping.

Except as provided below, all water mains shall be looped to provide for adequate pressures and system redundancy. Water mains shall be designed so that in the event that water supply is interrupted on one end of the loop, the flow of water to the loop shall not be entirely eliminated. In order to meet the requirement for such system looping the points of new connection to the existing distribution system shall be as far apart as possible and no closer than 500 feet along the existing water line(s).

5) Provisions for Non-looped Water Mains.

In recognition of the fact that looped water mains are sometimes unnecessary or impractical, the following applications are permitted:

- A) In cul-de-sacs or cases where a fire hydrant is required on the opposite side of a right-of-way from an existing water main, dead-end water mains supplied by a looped water main of equal or larger size may be extended up to two hundred fifty (250) feet for required six-inch water mains, and up to five hundred (500) feet for required eight-inch and larger water mains.
- B) Temporary dead-end lines may be permitted in those areas where there is no ability to loop lines within the criteria of the Land Development Code until adjoining properties are developed. Such dead-end lines shall only be allowed when served by mains of eight-inch diameter or greater, and where clearly designed to extend to adjoining properties in the future.
- C) Dead-end mains exceeding the length allowed in a) above may be allowed where the main is increased in size by at least two inches in

diameter, and design pressures can still meet the requirements of the Land Development Code.

6) Pressure Requirements.

All system design and fire flow calculations shall maintain a 20 pounds per square inch residual pressure in the system, during maximum demand on the system. Calculations shall be based on the existing system flows and pressure at or near the proposed point of connection.

e) Fire Hydrants.

Fire hydrants shall not be installed on any water main of less than six inches (6") inside diameter. ~~The last twenty (20) feet of a pipe lateral closest to and serving a single fire hydrant may be reduced to six inches to enable the control valve to be sized to six inches.~~

1) Placement and Spacing.

Except as provided herein, fire hydrants shall be installed at all street intersections and at intervals between street intersections not to exceed the distances listed in Table ~~160-1~~ 159-1 "Minimum Main Size, Flow Rate, and Hydrant Spacing by Land Use." However, where there is an existing fire hydrant meeting the applicable sections of the Land Development Code located within one hundred (100) feet of and physically accessible to an intersection, an additional fire hydrant will not be required.

2) Sprinkler or Standpipe System.

Where a sprinkler or standpipe system is provided, a fire hydrant shall be located at least 50 feet away from the structure but not more than one hundred (100) feet away from the Fire Department's connection for the system.

3) On-site Hydrants.

When buildings, other than one- and two-family dwellings and farm buildings, are situated off of a road or other drive so as to cause hose lays from the nearest hydrant in excess of the permitted distances listed in Table ~~160-1~~ 159-1, a sufficient number of hydrants shall be provided on-site meeting all the requirements of this Chapter.

4) Hose Lay Measurement.

Hose lay measurement shall be the distance from a hydrant, along a road, drive, or other traveled way designed to accommodate fire equipment, to the attach location approved by the Fire Official. Hose lay is not allowed across any arterial road to meet the minimum requirements of this Section.

5) Access and Visibility.

Hydrants shall not be located closer than 3 feet or more than 30 feet from the edge of a street, drive, or other access way. No fence, tree, post, shrub, or other object which could block the hydrant from normal view, or obstruct the hydrant's use shall be located within 4 feet of the hydrant. Unless otherwise requested by the Fire Official, the four-and-one-half inch (4½") large volume connection shall face the nearest roadway. No hydrant shall be installed where pedestrian or vehicular traffic would interfere with the use of the hydrant.

6) Ownership and Maintenance.

All fire hydrants located on public rights-of-way or designed to serve multiple ownerships shall be conveyed by approved instrument to the City. Once the City has accepted ownership, the City shall be responsible for the maintenance of these hydrants. All hydrants not dedicated to the City shall be maintained as required by the City at the owner's expense.

7) Design Standards.

All system designs will conform to recommended standards and accepted engineering practices.

TABLE 159-1				
MINIMUM MAIN SIZE, FLOW RATE & HYDRANT SPACING BY LAND USE				
<i>Land Use</i>	<i>Water Main Minimum</i>		<i>Fire Hydrant Maximum</i>	
	<i>Size</i>	<i>GPM</i>	<i>Spacing</i>	<i>Hose Lay</i>
Detached Single Family & Duplexes	6"	750	750	375
Townhouses	8"	1000	500	250
Multi Family (>12 units)	8"	1000	500	250
Multi Family (<13 units)	8"	1200	500	250
Commercial Buildings (>10,000 s.f.)	8"	1200	500	250
Commercial Buildings* (<10,001 s.f.)	10"	1500	400	200
Warehouse/Industrial Buildings*	10"	1500	400	200

*Interior separations or fire walls shall not be used to reduce the minimum water supply requirements of this Section without the explicit written consent of the Fire Official.

NOTE: This table is a guide for the development of new sites and subdivisions, and does not guarantee fire flow adequacy outside of one- and two-family dwelling subdivisions. In those portions of the City where the existing water mains cannot meet the above requirements, other building specific measures can be used to reduce fire flow.

SECTION 159.040: WATER & SEWER SERVICE.

a) Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Availability – Availability of City water and sewer service shall be described and defined as follows:

Water: The owners of all property within the City abutting upon a public right of way or utility easement when a City waterline or a potable water distribution system has been constructed or exists, will be required to connect to said system.

Sewer: The owners of property both within the City and the unincorporated area of Lake County that are connected to the City potable water distribution system are required to connect to the City sewer system.

The sewer system must be within a right of way or utility easement abutting the owner's property. Existing single family residences are exempt from the mandatory connection requirement. New single family residential subdivisions that are approved for construction after the effective date of this Code and are within 1000 feet of a City sewer line or force main must connect to the sewer system.

Connection Charge means a charge paid to the City by a developer or consumer or customer as reimbursement to the City for the actual cost of furnishing and installing the meter and all other facilities at a water or wastewater service connection either at the time of initial installation or whenever a change in size or capacity is performed.

Customer means the individual or corporate entity responsible for payment of the security deposit and monthly service charges. This shall be either the owner of the property or an individual or corporate entity authorized by the owner to open the utility account.

Equivalent Residential Unit (ERU) means an average single family detached residence. This definition is intended to reflect the annual average consumption per unit for all detached single-family residences without regard to actual consumption.

Forced Connection shall mean a utility connection for an existing building or structure to the City of Fruitland Park water or wastewater utility system, or both, that is mandated by law or by an order of the Lake County Commission, the Florida Department of Environmental Protection, the Florida Department of Health and Rehabilitative Services, the St. Johns River Water Management District, or any other federal, state, or local agency. "*Forced Connection*" shall also include any utility connection to the City of Fruitland Park water or wastewater utility system that occurs as a result of the City's acquisition of an existing private utility company.
(Amended by Ord. 95-46)

Capital Charge means a charge assessed by the City to defray the proportionate share of the capital improvement expense necessitated to provide capacity for a new wastewater or water connection.

b). Policy and Intent.

The City owns, operates, and maintains water treatment and distribution and wastewater collection, treatment and disposal systems, which serve residents within the service area of the City. New development will require the extension of mains to provide service, as well as modification or expansion of facilities or plants to accommodate new development. The costs of providing extensions, modifications, and expansions of facilities are to be borne by property owners, builders or developers within the City's service areas to defray or partially defray the costs of these extensions, modifications, and expansions. The allocable share of each is to be charged as described herein. It is the declared policy of the City by this chapter to establish a uniform method of determining charges for availability of services so that all such contributions shall be nondiscriminatory among the various consumers served by the City's systems and shall be applied as nearly as possible with uniformity to all consumers and prospective consumers within the City's service areas. The City specifically reserves its rights to fix and determine rates, charges and contributions required for the provision, consumption, operation, maintenance, extension, and expansion of its utility services as provided herein and as authorized by law. Each consumer is hereby notified that the City, in the exercise of its governmental responsibility to provide for health, safety, and welfare of all consumers of its utility services, has the authority and responsibility to amend its schedule of rates, charges, and contributions from time to time to ensure the perpetuation of service.

c). Power to Expand Utilities Outside Jurisdiction

The City Commission shall have the power to expand and enlarge the water and wastewater system beyond the limits of the city.

As a prerequisite to providing water or wastewater utility service to property outside the City limits, the City shall require the property owner to execute an irrevocable, recordable covenant agreeing to the voluntary annexation of the property into the City at such time as the property becomes contiguous to the City.

d). Utility Service

The customer seeking water or wastewater service from the City shall be required to obtain consent from the City at time of Building Permit issuance. Those customers seeking water and/or sewer service that are not within the Corporate limits of the City are subject to the approval of the City Commission.

e). Tampering With Property of City Water or Wastewater Collection Systems

No person, unless authorized by the City, has the right to turn off or turn on water at the curb stop, corporation stop, tee, or valve, or to in any way disconnect or

remove any water meter or otherwise molest any water connection, meter or water main belonging to the City.

If any person shall destroy, deface, impair, injure or wantonly force open any gate or door therein or in any way whatsoever destroy, injure, deface or wantonly destroy any part of the buildings, or the appurtenances, fences, or fixtures thereunto pertaining, or any water pipes, gates, reservoirs, hydrants, fountains, standpipes, pumps, tanks or any fixtures or other property belonging to the water or wastewater collection system of the City, or if any person shall without authority from the City remove, open, hitch to, dig out or curb over any fireplug or hydrant, stopcock, valve, valve box or other fixtures belonging to the water or wastewater collection system of the City, he shall be punished in accordance with provisions of Section 50.99.

It shall be unlawful for any person to tamper with, or adjust, connect, disconnect, join or sever any water meters or water lines and it shall be unlawful for any person to divert the flow of water through the water system of the City in any manner whatsoever without the approval and written permission of the City.

No consumer shall furnish water to any other consumer either by use of pipes or fixtures on his own premises or by extending pipes to the premises of other persons.

SECTION 159.045: Wastewater Collection

a). Definitions

Unless specifically defined below, words or phrases used in this article chapter shall be interpreted to give this article its most reasonable application, consistent with state and federal law and other local regulations. The following words and phrases shall have the following meanings, unless the context requires otherwise:

Act – means the Federal Water Pollution Control Act, as amended, also known as the Clean Water Act, as amended, Title 33 USC, Section 1251 et.seq.

Approval authority – means the director in an NPDES state with an approved state pretreatment program and the administrator of the USEPA in a non-NPDES state or NPDES state without an approved state pretreatment program.

Authorized representative of industrial user means and may be:

A principal executive officer of at least the level of vice-president, if the industrial user is a corporation;

A general partner or proprietor if the industrial user is a partnership or proprietorship, respectively; or

A duly authorized representative of the individual designated above if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

BOD (denoting biochemical oxygen demand)- means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure

in five (5) days at twenty degrees (20°) centigrade, expressed in milligrams per liter. The BOD shall be determined in accordance with procedures set forth in standard methods.

Building drain – means that part of the lowest horizontal piping of a sewerage or drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to a point five feet (5') outside the outer surface of the building wall to the building sewer.

Building sewer – means the extension from the building drain to the public sewer or other place of disposal, beginning five feet (5') outside the outer face of the building wall.

Categorical standards – means the national categorical pretreatment standards or pretreatment standard.

City wastewater system or system - means all facilities and interests in the real and personal property owned, operated, managed or controlled by the City now and in the future and used to provide wastewater service to existing and future customers within the service area of the City.

Control authority - means and refers to the approval authority as defined above, or the utilities director if the City has an approved pretreatment program under the provisions of title 40 CFR, Section 403.11.

Cooling water - means the water discharged from any use, such as air conditioning, cooling, or refrigeration, or to which the only pollutant added is heat.

Customer - means the individual or corporate entity responsible for payment of the security deposit, monthly service charges, connection charges, capital charges, etc. This shall be either the owner of the property or an individual or corporate entity authorized by the owner to open the utility account.

Direct discharge - means the discharge of untreated or treated wastewater directly to the waters of the state.

Director - means the City Utilities Director, or his authorized deputy, agent, or representative.

Dissolved solids or dissolved matters - means the solid matter in solution in the wastewater and shall be obtained by evaporation of a sample from which all suspended matter has been removed by filtration as determined by the procedures in standard methods.

Domestic sewage - means the sewage produced from noncommercial or non-industrial activities, and which result from normal human living processes, which are of substantially similar origin and strength to those typically produced in households, including sewage from sanitary conveniences.

Garbage - means solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from the handling, storage, and sale of produce.

Grab sample - means a sample which is taken from a waste stream on a one-time basis, with no regard to the flow in the waste stream and without consideration of time.

Holding tank waste - means any waste from holding tanks such as vessels, chemical toilets, campers, trailers, septic tanks, and vacuum-pump tank trucks.

Incompatible pollutant - means all pollutants other than compatible pollutants. Specifically, it means any pollutant other than BOD, suspended solids, pH, and fecal coliform bacteria or additional pollutants identified in the NPDES permit or state permit to discharge, which the sewage treatment plant and facilities were not designed to treat and do not remove to a substantial degree.

Indirect discharge - means the discharge or the introduction of pollutants from any source regulated under Section 307(b) or Section 307(c) of the Act into the City wastewater system.

Industrial sewage - means all liquid wastes and sewage, excluding domestic wastewater, and includes all wastewater from any producing, manufacturing, processing, institutional, commercial, agricultural, or other operations from which the wastewater discharged includes wastes of non-human origin, and is not otherwise classified as domestic sewage.

Industrial user - means a source of indirect discharge of industrial sewage which does not constitute a "discharge of pollutants" under regulations issued pursuant to Section 402 of the Act.

Interference - means the inhibition or disruption of the POTW treatment processes or operations which is the cause of and significantly contributes to a violation of any requirement of the City's NPDES permits.

The term includes prevention of sewage sludge use or disposal by the POTW in accordance with Section 05 of the act or any criteria, guidelines, or regulations developed pursuant to the Solid Waste Disposal Act (SWDA), the Clean Air Act , the Toxic Substances Control Act , or more stringent state or local criteria (including those contained in any state Sludge Management Plan prepared pursuant to Title IV of the SWDA) applicable to the method of disposal or use employed by the POTW.

Mass emission rate - means the weight of material discharged by the City wastewater system during a given time interval. Unless otherwise specified, the mass emission rate shall mean pounds per day of the particular constituent or combination of constituents.

Maximum concentration - means the maximum permissible amount of a specified pollutant in a volume of water or wastewater.

National categorical pretreatment standard or pretreatment standard - means any regulation containing pollutant discharge limits promulgated by the USEPA in accordance with Section 307(b) and Section 307(c) of the Act which applies to a specific category of industrial users.

National Pollution Discharge Elimination System Permit or NPDES permit - means a permit issued pursuant to Section 402 of the Act.

National prohibition discharge standard or prohibited discharge standard - means any regulation developed under the authority of Section 307(b) of the Act and Title 40 CFR, Section 403.5.

Natural outlet - means any outlet into a watercourse, pond, ditch, lake or other body of surface or ground water.

New source - means any source, the construction of which is commenced after the publication of proposed regulations prescribing a Section 307(c) (Title 33 USC, Section 1317) categorical pretreatment standard which will be applicable to such source, if such standard is thereafter promulgated in accordance with Section 306(a)(2) Title 33 USC, Section 1316(a)(2).

Overload - means the imposition of any constituent or hydraulic loading on any treatment, collection, transmission or effluent disposal facilities which are a part of the City wastewater system in excess of such facility's designed or legally authorized capacity.

Pass through - means the discharge of pollutants through the POTW or any other portion of the City wastewater system into waters of the State or Nation in quantities or concentrations which are a cause of or significantly contribute to a violation of any requirement of any NPDES permit or DEP permit issued for and applicable to the City wastewater system, including an increase in the magnitude or duration of a violation of any contract, resolution, law, rule, regulation, permit, or approval applicable to the industrial, commercial, or agricultural reuse of reclaimed water.

pH - means a symbol for expressing the degree of acidity or alkalinity, meaning the logarithm (base 10) of the reciprocal of the concentration of hydrogen ions in grams per liter of solution.

Pollutant - means any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, and industrial, municipal, and agricultural waste.

Pollution - means the manmade or man-induced alteration of the chemical, physical, biological, and radiological integrity of water.

POTW treatment plant - means that portion of a POTW designed to provide treatment to wastewater. (See definition of publicly owned treatment works.)

Pretreatment - means the reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutants, or the alteration of the nature of pollutant properties in wastewater to a less harmful state prior to discharging or otherwise introducing such pollutants into a POTW. The reduction or alteration can be obtained by physical, chemical or biological processes, or by other means, except as prohibited by Title 40 CFR, Section 403.6(d).

Pretreatment requirements - means any substantive or procedural requirement

related to pretreatment, other than a national pretreatment standard imposed on an industrial user.

Private sewage disposal system - means a sewage collecting, treating, and disposal facility installed, maintained and owned by persons other than the City and not connected to the public sewer.

Properly shredded garbage - means the wastes from the preparation, cooking and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch in any dimension. The installation and operation of any garbage grinder equipped with a motor three-fourths horsepower or greater shall be subject to the review and approval of the City.

Public sewer - means a sanitary sewer, other than a building sewer, that is owned and/or controlled by the City.

Publicly owned treatment works (POTW) - means a treatment works as defined by Section 212 of the Act which is owned in this instance by the City. This definition includes any sewers, effluent transmission and disposal facilities, that convey wastewater to a POTW treatment plant or convey effluent from a POTW treatment plant, but does not include pipes, sewer or other conveyances not connected to a facility providing treatment. For purposes of this article, POTW shall also include any sewers that convey sewage or wastewaters to the POTW from persons who are, by contract or agreement with the City, users of the City's various POTWs.

Reclaimed water - means water or treated wastewater which, as a result of treatment of wastes, is suitable for direct beneficial uses or a controlled use by public, agricultural, commercial, residential, industrial, or institutional projects or development that would not occur otherwise.

Sewage or wastewater - means a combination of water-carried wastes from residences, business buildings, institutions and industrial establishments together with such ground, surface and stormwaters as may be present.

Sewage treatment plant - means an arrangement of devices and structures used for treating sewage or wastewater.

Sewer - means a pipe or conduit for carrying sewage or wastewater.

Significant industrial user - means any industrial user of the City wastewater system who:

- Has a discharge flow of ten thousand gallons (10,000) or more per day during any day during any calendar year; or

- Discharges one (1) or more of the federally defined "priority pollutants"; or

- Has in its wastes, toxic pollutants as defined pursuant to Section 307 of the Act ; or any applicable State or Federal rules; or

- Is found by the City, the State Department of Environmental Protection (FDEP) or

the USEPA to have significant impact, either singly *or* in combination with other contributing industries, on the system, the quality of sludge, the County-wide system's effluent quality, *or* air emissions generated by the City wastewater system.

Slug - means any discharge of water, sewage *or* industrial waste which in concentration of any given constituent or in quality of flow exceeds more than five (5) times the average twenty-four hour (24) concentration or quality of flow during normal operation.

Standard Industrial Classification (SIC) - means a classification pursuant to the standard industrial classification manual issued by Executive Office of the President, Office of Management and Budget, 1972.

Standard methods - means the current edition of Standard Methods for the Examination of Water and Wastewater, as published or republished from time to time by the American Public Health Association.

Storm drainage (sometimes termed storm sewer) - means a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

Stormwater - means any flow occurring during or following any form of natural precipitation resulting therefrom.

Suspended solids - means solids that either floats on the surface of, or are in suspension in water, sewage or other liquids, and which are removable by various filtering and settling techniques.

Toxic pollutant - means any pollutant or combination of pollutants listed as toxic in regulations promulgated by the Administrator of the USEPA under the provision of Section 305(a) of the Act , or other Acts .

Twenty-four-hour flow proportional composite sample - means a sample consisting of several effluent portions collected during a twenty-four hour (24) period in which the portions of sample are proportionate to the flow and combined to form a representative sample.

Unpolluted water - means water to which no constituent has been added, either intentionally or accidentally, which would render such water unacceptable to any person having jurisdiction thereof for disposal to storm or natural drainages or directly to surface waters of the State.

User - means any person who contributes, causes, or permits the contribution of sewage or other wastes to the City wastewater system or is physically connected to the City wastewater system.

Wastewater constituents and characteristics - means the individual chemical, physical, bacteriological, and radiological parameters, including volume and flow rate, and such other parameters that serve to define, classify or measure the contents, quality, quantity, and strength of wastewater.

Watercourse - means a channel in which a flow of water occurs, either continuously

or intermittently.

Waters of the State - means any surface or ground water located within the boundaries of the State.

b). Purpose and Policy.

This Section is enacted pursuant to all general and special law authority of the City, including its home rule powers, for the purpose of providing for the necessary regulations for the use of public and private sewers and drains in the interest of the public health, safety and welfare of the citizens and residents of the City.

This Section sets forth uniform requirements for direct and indirect contributors into the City wastewater system and enables the City to comply with all applicable State and Federal laws and requirements set forth by the Clean Water Act of 1977, as amended, and the United States Environmental Protection Agency (USEPA) General Pretreatment Regulations, Title 40 CFR, Par. 403.

The objectives of this Section are:

To prevent the introduction of pollutants into the City wastewater system which will interfere with the operation of the system or contaminate resulting sludge;

To prevent the introduction of pollutants into the City wastewater system which will pass through the system, inadequately treated, into receiving surface or ground waters, land application and other reuse systems, or the atmosphere, or otherwise be incompatible with the system;

To improve the opportunity to recycle and reclaim wastewaters and sludges from the system; and

To provide for equitable distribution of the cost of the system.

This Section provides for the regulation of direct and indirect contributors to the City wastewater system through the issuance of permits to certain non-domestic users and through enforcement of general requirements for other users, authorizes monitoring and enforcement activities, requires user reporting, and provides authority and guidelines for setting fees.

Except as otherwise provided herein, the Utilities Director shall administer, implement, and enforce the provisions of this Section.

c). Discharge Limitations

Generally.- This Section establishes limitations and prohibitions on the quantity and quality of sewage or wastewater which may be lawfully discharged into the City wastewater system or any of its publicly-owned treatment works. Pretreatment of some sewage discharge may be required to achieve the goals established by this Section and the Act . The specific limitations set forth herein, and other prohibitions and limitations of this Section, are subject to change as necessary to enable the City

to provide efficient wastewater treatment, to protect the public health and the environment, and to enable the City to meet requirements contained in its various NPDES permits, and other governmental permits.

d). Discharge into Sanitary Sewers.

No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, swimming pool drainage, or unpolluted industrial process waters into any sanitary sewer.

e). Discharges into Natural Outlets.

No person shall discharge into any natural outlet within the City, any sanitary sewage, industrial wastes, or other polluted waters, except where suitable treatment has been provided in accordance with the provisions of this Section.

f). Discharges into Storm Sewers.

No person shall discharge into any storm sewer system within the City, any sanitary sewage, industrial wastes, or other polluted waters (except uncontaminated cooling waters).

g). Privies, Septic Tanks, Cesspools, etc., Generally Prohibited.

No person shall construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage or wastewater, except as herein provided.

h). Permit for Connections.

No person shall uncover, make any connection with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the City.

i). General Discharge Prohibitions.

No user shall contribute or cause to be contributed, directly or indirectly, any pollutant or sewage which will interfere with the operation or performance of the City wastewater system or any of its POTW. The general prohibitions apply to all such users of the City wastewater system or any POTW which is a part of that system, whether or not the user is subject to the national categorical pretreatment standards or any other National, State, or local pretreatment standards or requirements.

j). Discharges Specifically Prohibited.

A user shall not contribute the following substances into any public sewer:

Any liquids, solids or gases which, by reason of their nature or quality are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the City wastewater system or to the operation of such system. At no time shall two (2) successive readings on an explosion hazard meter at the point of discharge into such system (or at any point in the system) be more than five percent (5%), nor any single reading over ten percent (10%) of the lower explosive limit (LEL) of the meter. Prohibited materials include, but are not limited to, gasoline, kerosene, fuel oil, naphtha, benzene, toluene, xylene, ethers, alcohols, solvents, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides, mercury or other heavy metals, and any other substances which the City, the FDEP, the USEPA, or any other local, Regional, State, or Federal agency having jurisdiction has notified the user as a fire hazard or a hazard to the system, and any other flammable or explosive liquids, solids, or gases.

Any solid or viscous substances which may cause obstruction to the flow in a sewer or other interference with the operation of the wastewater treatment facilities such as, but not limited to, grease, garbage with particles greater than one-half inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides or fleshings, entrails, whole blood, feathers, ashes, cinders, sand, spent lime, stone or marble, dust, metal glass, straw, shavings, grass clippings, rags, baby wipes or other non-woven textile wipes, spent grains, spent hops, waste paper, ground paper products, wood, plastics, gas, tar, asphalt residues, residues from refining, or processing of fuel or lubricating oil, mud, or glass grinding or polishing wastes.

Any sewage having a pH lower than six (6.0) or higher than eight and five-tenths (8.5), unless the individual POTW is specifically designated to accommodate such sewage or wastewater, or sewage having any other corrosive property capable of causing damage or hazard to structures, equipment and/or personnel of the City wastewater system.

Any sewage or wastewater containing toxic pollutants in sufficient quantity, either singularly or by interaction with other pollutants, to injury or interfere with any wastewater treatment process, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of any City POTW, or to exceed the limitations set forth in a categorical pretreatment standard. A toxic pollutant shall include, but not be limited to, any pollutant identified pursuant to Section 307(a) of the Act.

Any noxious or malodorous liquids, gases or solids which, either singularly or by interactions with other wastes, are sufficient to create a public nuisance or hazard to life or are sufficient to prevent entry into the sewers for maintenance and repair.

Any substances which may cause any City POTW's effluent or any other product of the POTW, such as residues, sludges, or scums, to be unsuitable for reclamation and reuse, or to interfere with the reclamation process. In no case shall a substance discharged to any City POTW cause the POTW to be in noncompliance with sludge user or disposal criteria, guidelines or regulations developed under Section 405 of the Act; any criteria, guidelines, or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act, the Clean Air Act, the Toxic Substances Control Act, or State criteria

applicable to the sludge management method being used.

Any substance which will cause any City POTW to violate its NPDES and/or FDEP permit or the receiving water quality standards.

Any sewage or wastewater with objectionable color, not removed in the treatment process, such as, but not limited to, dye wastes and vegetable tanning solutions.

k). Restricted Discharges Enumerated.

No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely, in the opinion of the Utilities Director, that such wastes can harm either the sewers, wastewater treatment process or equipment, have an adverse effect on the receiving stream or other effluent disposal facilities or systems, or can otherwise endanger life, limb, public property or constitute a nuisance. In forming his opinion as to the acceptability of these wastes, the Utilities Director will give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors. The substances prohibited are:

Any sewage or wastewater having a temperature which will inhibit biological activity in any City POTW treatment plant resulting in the interference, but in no case heat in such quantities that the temperature at the treatment works influent exceeds one hundred degrees (100°) Fahrenheit, unless the POTW treatment plant is designed to accommodate such temperature.

Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of one hundred milligrams per liter (100mg/l) or containing substances which may solidify or become viscous at temperatures between thirty-two (32°) and one hundred degrees (100°) Fahrenheit.

Any garbage that has not been properly shredded.

Any waters or wastes containing strong acid iron pickling wastes or concentrated plating solutions, whether neutralized or not.

Any waters or wastes containing phenols or other taste or odored ash-producing substances, in such concentrations exceeding limits which may be established by the Utilities Director, as necessary, after treatment of the composite sewage, to meet the requirements of the State, Federal or other public agencies or jurisdiction for such discharge to the waters of the State or Nation.

Any radioactive wastes or isotopes.

Any pollutants, including oxygen demand pollutants (BOD, etc.) released at a flow rate and/or pollutant concentration which a user knows or has reason to know will cause interference to any City POTW. In no case shall a slug load be discharged to the City's wastewater system.

Waters or wastes containing substances, including non-biodegradable detergents, which are not amendable to treatment or reduction by the sewage treatment processes employed or are amendable to treatment only to the degree that the sewage treatment plant effluent cannot meet the requirement of other agencies having jurisdiction over discharge to the waters of the State or Nation or violates any contract, resolution, law, rule, regulation, permit, or approval applicable to the industrial, commercial, or agricultural reuse of reclaimed water.

Any concentrations of inert suspended solids (such as, but not limited to, Fuller's earth, lime slurries, and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride and sodium sulfate).

When the Utilities Director determines that a user is contributing to any portion of the City wastewater system, any of the above-enumerated substances in such amounts as to cause a pass through, cause a violation of any applicable permit or contract, or otherwise interfere with the operation of the system, the Utilities Director shall:

- Advise the user of the impact of the contribution on the POTW; and
- Develop effluent limitations for such user to correct the interference with the POTW.

I). Maximum Concentrations.

No person shall discharge sewage or wastewater in excess of the concentration set forth in Table I below unless an exception has been granted the user under the provisions of Section 159.045(k).

Table 1^[MS3]

(Edited to match concentrations in agreement with Lady Lake)

Parameters	Maximum Concentration Mg/l (24-hour flow proportional composite sample)	Maximum Instantaneous Concentration Mg/l (grab sample)
Biochemical Oxygen Demand	3050	--
Total suspended solids	3500	--
<u>Antimony (Sb)</u>	<u>1.0</u>	<u>2.0</u>
Arsenic (AS)	1.0	2.0
<u>Beryllium (Be)</u>	<u>10.0</u>	<u>20.0</u>
Boron (B)	1.0	2.0
Cadmium (Cd)	1.00 <u>0.70</u>	2.01 <u>1.40</u>
Chromium - Total(Cr)	1.0	2.0
Chromium - Hexavalent (Cr + 6)	0.5	0.10
<u>Cobalt (Co)</u>	<u>0.30</u>	<u>0.60</u>
Copper (Cu)	2.0	4.0
Cyanide (CN)	0.1	0.2
Lead (Pb)	0.05	0.1
Mercury (hg)	0.0050	0.010
Nickel (N)	0.2	0.4
Phenol	0.5	1.0
Selenium	1.00 <u>0.5</u>	2 <u>1.0</u>
Silver (Ag)	1.00 <u>0.5</u>	2 <u>1.0</u>

<u>Tin (Sn)</u>	<u>5.0</u>	<u>10.0</u>
Zinc (Zn)	5.0	10.0
Oil & grease (petroleum &/or mineral	100 50.0	200 100.0
Total nitrogen	50.0	100.0
Total phosphorus	10.0	--
Total dissolved solids	2,500.00	10,000.00
Fluoride	8.0	16.0
<u>Iodine (I)</u>	<u>10.0</u>	<u>20.0</u>
<u>Benzene Compounds</u>	<u>5.0</u>	<u>10.0</u>
<u>Carbon Tetrachloride</u>	<u>10.0</u>	<u>20.0</u>
<u>Chloroethane Compounds</u>	<u>10.0</u>	<u>20.0</u>
<u>Chloroethene Compounds</u>	<u>5.0</u>	<u>10.0</u>
<u>Chloroform</u>	<u>10.0</u>	<u>20.0</u>
<u>Pentachlorophenol</u>	<u>10.0</u>	<u>20.0</u>

m). Application to Industrial Users

Certain industrial users shall become subject to national categorical pretreatment standards promulgated by the USEPA specifying quantities or concentrations of pollutants or pollutant properties which may be discharged into a City POTW. All industrial users subject to a national pretreatment standards shall comply with all requirements of such standard, and shall also comply with any additional or more stringent limitations contained in this article. Compliance with national pretreatment standards for existing sources subject to such standards or for existing sources which hereafter become subject to such standards shall be within three (3) years following promulgation of the standards unless a shorter compliance time is specified in the standard. Compliance with national pretreatment standards for new sources shall be required upon promulgation of the standard. Except where expressly authorized by an applicable national pretreatment standard, no industrial user shall increase the use of the process water or in any way attempt to dilute a discharge as a partial or complete substitution for adequate treatment to achieve compliance with such standard.

n). Application of State Requirements, Limitations

State requirements and limitations on discharges shall apply in any case where they are more stringent than Federal requirements and limitations, or those contained in this Section. The City reserves the right to establish by ordinance more stringent limitations or requirements from dischargers to the City wastewater system if deemed necessary to comply with the objectives stated at the beginning of this Section.

o). Dangerous Discharge Prevention, Notification Requirements

Plan for accidental discharges. Each industrial user shall provide protection from accidental discharge of prohibited materials or other substances regulated by this article. Facilities to prevent accidental discharge of prohibited materials shall be provided and maintained at the owner's cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the City for review, and shall be approved by the City before construction of the facility. All existing industrial users or industrial users that connect within two-hundred-seventy (270) days from the effective date of the ordinance from which this

Section was derived shall complete such a plan within sixty (60) days from connecting to the system. No industrial user who commences contribution to any City POTW or any portion of the City wastewater system at least two-hundred-seventy (270) days after the effective date of this article shall be permitted to introduce pollutants into the system until accidental discharge procedures have been approved by the City. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility to maintain the industrial user's facility as necessary to meet the requirements of this article.

Telephone notification. Any person caught or suffering any discharge, whether accidental or not, which presents or may present an imminent or substantial endangerment to the health and welfare of persons, to the environment, or which is likely to cause interference with any City POTW or the City wastewater system as a whole, shall notify the Utilities Director immediately by telephone.

Written Report. Within five (5) days following such occurrence, the user shall provide the Utilities Director with a detailed written report describing the cause of the dangerous discharge and measures taken or to be taken by the user to prevent similar future occurrences. Such notification shall not relieve the user of any expense, loss, damage or other liability which may be incurred.

SECTION 159.050: Private Systems and Connections

a). Toilet Facilities and Connection to Public System (Waterworks & Sewer System) Required After Notice

The owners of all the property in the City abutting upon a public right-of-way or utility easement and upon which is situated a house, building or other structure used for human occupancy, employment, recreation, commercial enterprise, public purposes, community activities, houses of worship, or other related purposes is hereby required at their own expense to install suitable toilet facilities therein and to connect such facilities directly with such systems in accordance with the provisions of this Section within one-hundred-eighty (180) days after the date of official notice to do so. Those residential properties consisting of single family homes existing at the time of the adoption of this ordinance shall be exempt from the mandatory sewer connection requirement.

b). When Connection With Private System Authorized and Required.

Where the City wastewater system public sanitary sewer is not available under the provisions of Section 159.040(a), the building sewer may be connected to a private sewage disposal system complying with the provisions of this Article. The City may, ~~at its own expense,~~ extend the existing wastewater system to provide service to any owner requesting to use a private sewage disposal system and require that owner to connect to the City's wastewater system pursuant to the Section above.

c). Approval of Private System

Before commencement of construction, reconstruction, enlargement, modification or improvement of a private sewage disposal system, the owner shall first obtain written approval from the City. The application for such approval shall be made in a

form acceptable to the City, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary.

d). Completion and Acceptance of Private System

Connection to a private sewage disposal system shall not be placed in service until the installation is completed and accepted by the City. The City shall be allowed to inspect the work at any stage of construction and in any event, the applicant shall notify the City when the work is ready for final inspection and before any underground portions are covered. ~~The inspection shall be made within forty-eight (48) hours (excluding Saturdays, Sundays, and holidays) of the receipt of notice.~~

e). Specification of Private Systems; Discharges prohibited; sanitary operation.

The type, capacities, location and layout of a private sewage disposal system shall comply with all Federal, State, and County regulations. No septic tank or cesspool shall be permitted to discharge to any storm sewer, open drain, ditch, stream, well penetrating water-bearing formations, nor natural outlet. Private ownership of a sewage disposal system shall be retained by the applicant and the facilities shall be operated and maintained by the property owner in a sanitary manner at all times, at no expense to the City.

f). Direct Connection with Public System When Available, Abandonment of Private System

At such time as the City wastewater system becomes available to a property served by a private sewage disposal system, a direct connection shall be made to the City wastewater system and any septic tanks, cesspools and similar private sewage disposal facilities shall be removed or abandoned as required by Code.

g). Classes of Building Sewer Connections; Applications.

There shall be three (3) classes of building sewer connections: residential service, commercial service, and service to establishments producing industrial wastes. In either case, the owner or his agent shall make application in a form acceptable to the City. The application shall be supplemented by any plans, specifications or other information considered pertinent.

h). Cost and Expense and Indemnification Incident to Building Sewer Connection; Supervision and Approval. Moreover, the owner shall grant any easements to the City deemed necessary by the City for the provision of sewer service to the owner's property.

All cost and expense incident to the connection of the building sewer from the owner's building to the City sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may be directly or indirectly occasioned by the connection of the building sewer. The physical connection of the building sewer at and directly into the public sewer shall be made under the direct supervision of an authorized representative of the City. No building shall be approved for use and/or occupancy until the connection fee is paid and the connection is inspected and approved.

i). Compliance of Sewer Construction With Regulations.

All sewer construction shall comply with the City construction specifications, plumbing code, and other applicable specifications and engineering criteria.

j). Low Pressure Wastewater Collection System

Statement of Policy. The City of Fruitland Park has adopted low-pressure sewer system technology as a means of collecting wastewater in the City's utility service area. This technology employs the use of small grinder pump stations located at each point of wastewater generation. These pump stations transfer the wastewater from the point of generation through a series of small diameter force mains to the City's collection and transmission system.

Buildings and facilities that are to be connected to the City's wastewater collection and treatment system will be connected through the use of the City's standard wastewater grinder pump station when specified by the City.

Easement. By applying for wastewater collection and treatment services or via mandatory connection, the customer is agreeing to provide a general easement to allow the City access to the property for the purposes of maintaining and operating the wastewater pump station and force main. Should the customer want a surveyed easement, the customer must retain a surveyor to provide the specific description for inclusion in an easement to be recorded. The customer will pay all costs of completing and recording the site-specific easement.

Electrical Power. Electrical power shall be provided by the facility being served. The customer, through their electric utility bill, will pay the power cost necessary to operate the pump station. The customer shall provide a circuit of sufficient capacity to a point on the structure reasonably near the proposed pump station location. This point, as a minimum, must be within sight of the pump station. ~~The City may provide separate metering to the pump station at the customer's request.~~

Maintenance. The City will maintain and operate the pump stations and force mains. The customer shall maintain ~~and operation~~ the gravity sewer connecting the property to the pump station. City staff will be available on a twenty-four hour basis to maintain and repair the pump stations. The cost of the first visit to the customer's property by City personnel responding to a customer's call regarding an apparent problem with the pump station or force main will be absorbed by the City. The customer will pay for the cost of additional visits to the site by City personnel where there is no failure of the City's equipment. The City will establish a fixed fee to be assessed for each additional trip. This fee may be adjusted by the City from time to time to reflect the actual cost of providing the service. ~~The customer will be responsible for all costs of service caused by negligence or abuse, including damage due to trenching, digging, landscaping or prohibited items.~~

Pump Station Manufacturers. The City will standardize on a single pump station type manufacturer. This standardization will provide economies to the City and its customers with regard to the maintenance of parts inventories and staff familiarity with the units. The pumping systems will be UL approved as complete units and not as individual parts.

As technology changes, the City, in its sole discretion, will evaluate and approve or reject the use of any other pumping system that will be permitted to be installed in

the City's wastewater collection system.

Customer Responsibilities. The customer shall provide electrical power for the pump station. The customer shall prevent the introduction of materials to the pump station which would damage the pumping system. Prohibited materials include, but are not limited to, baby wipes and non-woven textiles, metal objects, plastic materials, sand, clothing, grease, solvents, and coatings. The customer shall prevent damage to the pumps station lid, controls, vents, and other physical part of the system located on the premises.

k). Termination Point of City Ownership and Maintenance Responsibility

Responsibility of the City for ownership, maintenance, operation, service and/or repairs of the building sewer from the public sewer shall terminate at the upstream side of the low pressure pumping unit located at the facility which it serves. In the case of a gravity connection, the City's responsibility shall terminate at the street right of way or easement boundary adjacent to the facility served.

l). Interceptors

Grease, oil and sand interceptors or traps shall be provided at the owner's expense when in the opinion of the Utilities Director, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the City and shall be located as to be readily and easily accessible for cleaning and inspection. When installed, all grease, oil and sand interceptors shall be maintained by the owner, at his expense, in continuously efficient operation at all times.

m). Rejection of Required Remedial Measures for Certain Wastes

If any sewage, waters, or wastes are discharged, or are proposed to be discharged to the City wastewater system, which contain the substances or possess the characteristics enumerated in Section 159.045(k) et seq, and which, in the judgement of the Utilities Director, may have a deleterious effect upon the City wastewater system, processes, equipment, receiving waters or effluent disposal systems, or which otherwise create a hazard to life or constitute a public nuisance, the Utilities Director may:

Reject the wastes;

Require pretreatment to an acceptable condition for discharge to the City wastewater system;

Require control over the quantities and rates of discharges;

Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges.

If the Utilities Director permits the pretreatment or equalization of waste flows, the design and installation of the plans and equipment shall be subject to the review and approval of the Utilities Director, and subject to the requirements of the applicable codes, ordinances, and laws. Any such approved design shall, in addition to all other

requirements, provide for an access point to allow for the sampling of wastewater discharge from the user. Where preliminary treatment or flow-equalizing facilities are provided for any sewage, waters, or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner or user at his expense.

n). Responsibility for Operation and Maintenance of Building Sewer

The owner of the property served by the wastewater system shall be responsible for the proper operation and maintenance of the building sewer; specifically all plumbing from the wastewater system into and including the house plumbing. The City shall have the right to inspect the building sewer and to cause discontinuance of water and/or sewer service to any property where the plumbing is not maintained in a sanitary and effective operation condition or if the public sewer facilities may be harmed thereby.

o). Responsibility of Ownership, Operation and Maintenance of Wastewater System

The City shall be responsible for the ownership, operation and maintenance of the City wastewater system and for providing service to receive the approved wastewater discharge from the building sewers. The City wastewater system is herein defined as the low pressure pump unit and force main connection that is located at individual facilities served by the system. This does not include the electric meter or the electric cost incurred to operate the low pressure pumping unit. In the case of a gravity connection, the City's responsibility will terminate at the service connection point to the collection main.

p). Entry of City Employees Upon Easements.

Duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, gauging, measurement, sampling, repair and maintenance or any portion of the sewage works lying within the easement. All entry and subsequent work, if any, within the easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

q). Minimum Service Requirements.

All development shall provide new facilities to provide minimum service as follows:

- 1) The use of on-site disposal systems (septic tanks) shall be permitted when projects are not required to connect to the City wastewater system or when said system is deemed to be not available;

On-site disposal systems (septic tanks), where allowed shall be permitted by Chapter 65E-6 F.A.C. through the Lake County Environmental Health Department.

- 2) Where on-site central sewer facilities are allowed for subdivisions or other projects, construction of sanitary sewer necessary to provide adequate service to each lot, parcel, or building site created shall be required. The

minimum diameter for sanitary gravity sewer mains shall be eight inches (8") inside diameter. Minimum sewer main slopes for both design and construction shall be:

8-inch pipe—0.40%
10-inch pipe—0.30%
12-inch pipe—0.22%

An individual four-inch (4") minimum sewer service lateral shall be supplied for each single family, duplex, or townhouse unit. Service for commercial and industrial lots shall be sized based on the anticipated highest sewer demand of allowed land uses, but in no case less than six inches in diameter. All services shall be installed at an adequate depth so as to serve the entire buildable area of the subject lot, allowing for minimum slopes specified in the Standard Construction Details and the Land Development Code.

- 3) Site development plans shall show construction of sanitary sewers extending to the site and on site, as necessary to provide adequate sewer service for the proposed buildings and uses. The minimum diameter for sanitary gravity sewer mains shall be 8 inches (8") inside diameter. Minimum sewer main slopes shall be:

8-inch pipe—0.40%
10-inch pipe—0.30%
12-inch pipe—0.22%

An individual four-inch (4") minimum sewer service lateral shall be supplied for each single family, duplex, or townhouse unit. Services for multifamily buildings shall be six inch (6") for up to eight units and eight-inch for nine or more units. Services for commercial and industrial buildings shall be sized based on the anticipated highest sewer demand of allowed land uses, but in no case less than six inches (6") in diameter, and shall include grease traps for pre-treatment systems as required by the Land Development Code, and the Standard Construction Details. All services shall be installed at an adequate depth so as to serve the planned building sites.

- 4) All system designs will conform to recommended standards and accepted engineering practices.

SECTION 159.060 Capacity

- a). Findings and Intent.

The City Commission finds that it is both reasonable and necessary to expand the City's wastewater treatment system by constructing a new plant, effluent disposal system, and wastewater collections mains, as required by new growth of the City. The City has determined that the new growth should pay the cost of the wastewater

system expansion, and has further determined that wastewater capacity should be sold to future development to defray wastewater expansion costs.

b). Establishment of Wastewater Service Area

The City Commission hereby establishes the City wastewater service area as being that area described in Section 159.020(b) of this ordinance.

c). Wastewater Capital Charges

Wastewater permits may be issued after acceptance by the City of a complete application and upon payment of all sewer capital charges applicable at the time of issuance of such permit, in accordance with this Section. Payment of wastewater capital charges shall be by cash or certified check drawn on a solvent bank. Upon issuance of a wastewater permit, all fees and charges paid pursuant hereto shall be non-refundable except as provided herein. The permits for which all fees and charges are paid as provided herein shall run with the land for which the permit is issued. Notwithstanding the above, the City Commission may by resolution defer the immediate payment of wastewater capital charges for purchases of future wastewater capacity by authorizing the receipt of irrevocable letters of credit in lieu of such payment. The City Commission may include and impose such provisions, terms, and conditions upon the receipt of such letters of credit as it deems reasonable and necessary.

d). Wastewater Permit Application

The City may require all information in the application for a permit required by this Section that it deems reasonable and necessary, and may reject applications it determines are incomplete. Any application for a wastewater permit shall contain the legal description of the land constituting the service area for which a wastewater permit is to be issued. The legal description shall include only those lands owned by the applicant for which the wastewater permit is to serve. The application shall be signed by the owner of the lands to be served.

SECTION 159.070 Rates and Charges and Billing Procedures

a). Establishment of Water and Wastewater Capital Charges .

The City Commission hereby establishes, pursuant to general law, a water and wastewater capital charge payable at the time the building permit is issued unless wastewater capacity is purchased pursuant to a separate Developer's Agreement. The water and wastewater capital charge is established in Section 50.30 and Section 52.30 of the City Code.

b). Determination of Equivalent Residential Unit Factors

- (A) For purposes of calculating and imposing the capital charges, the ERU factor for any particular connection shall be calculated and imposed in the manner provided as follows:

Establishment	Unit	Factor
Residential:		
Single-family residential	Per Unit	1.000
Duplexes	Per Unit	1.000
Multi-family	Per Unit	0.750
Commercial		
Auditorium	Per seat	0.017
Automobile repair and maintenance store	Per bay	0.250
Barbershops	Per operating station	0.300
Beauty salons	Per operating station	0.900
Bowling alley	Per lane	0.333
Church	Per seat	0.017
Convenience store w/o gas pump	Use fixture units	
Dentist office	Per dentist	0.833
	Per wet chair	0.667
Department store	Per 1,000 sq.ft.	0.700
Doctor office	Per doctor	0.833
Extended care facility	Per efficiency	0.500
Food service:		
Restaurant/cafeteria	Per seat	0.100
Restaurant (24 hours)	Per seat	0.167
Restaurant (fast food)	Per seat	0.050
Bar/cocktail lounge	Per seat	0.067
Furniture store	Per 1,000 sq. ft.	0.200
Hospital	Per bed	0.833
Hotel, motel (not including food service, banquet and meeting rooms, & laundries)	Per room	0.500
Laundry/self service	Per machine	1.333
Meeting and/or banquet rooms (total sq.ft./15 sq.ft./person x 0.017 x # of seats)	Per seat	0.017
Nursing home	Per bed	0.417
Office Building (add food service & retail space)	1,000 sq.ft. gross	0.334
Retail store/self-service gas pumps	Per restroom (add remaining fixture units)	1.000
Schools, elementary & nursery	Per student	0.025
Schools, middle & high	Per student	0.067
Service Station	Per bay	1.000
Add:	Per wash bay	3.200
Add:	Per toilet room	1.000
Shopping Center	Per 1,000 sq.ft.	0.400

The 0.400 shopping center factor shall be used to calculate the initial ERU for the entire shopping center, including common areas, at the time the building permit is issued for the construction of the shopping center. Shopping center tenants whose particular use involves a higher ERU factor shall be required to pay the additional water and wastewater capital charges required thereby prior to the issuance of a certificate of occupancy.

Establishment		
Theater	Per seat	0.010
Theater (dinner)	Per seat	0.067
Trailer park (overnight)	Per space	0.333
Warehouse-office: Use fixture units for warehouse area and see office category for calculating ERU's in that area. (add for food service) (add for retail space if applicable)		
Industrial		
Building (not including food service; not including industrial waste flows)		
Without showers	Per employee	0.050
With showers	Per employee	0.117

One (1) equivalent residential unit (ERU), for the purposes of this section, has an assigned value of 1.00. One (1) wastewater ERU is hereby established and determined to be equal to a flow of two hundred fifty (250) gallons per day

[MS4](GPD), average annual basis. (Would suggest reviewing billing data to confirm. Typical is closer to 300 gpd per ERU for wastewater and 350 gpd per ERU for water.)

One (1) water ERU is hereby established and determined to be equal to a flow of three hundred twenty-five (325 gallons per day (GPD), average annual basis.

For all establishments not listed above, the total equivalent residential unit (ERU) value shall be determined by dividing the number of fixture units, in the establishment as published in the Standard Plumbing Code, by twenty-four (24). For example:

$$\text{Total ERU value} = \frac{\text{Number of Fixture Units}}{24}$$

The water or wastewater capital charge would then be determined by using the following formulas:

Total ERU value x current capital charge = wastewater capital charge

Total ERU value x current capital charge = water capital charge

In the event any water and wastewater customer changes the use of his property such that the new use has a higher ERU factor, that customer, prior to the issuance of a certificate of occupancy, shall be required to pay the increase in the water and wastewater capital charges represented by the higher ERU factor over the water and wastewater capital charges paid by the customer when the original service connection was made.

If an applicant for water or wastewater connection within any of the Commercial (non-residential) categories set forth in Subsection b.(A) of this Section can demonstrate, to the satisfaction of the Utilities Director, that actual water or wastewater usage will be less than eighty (80%) of the equivalent residential unit use assigned to such establishment as set forth above, then the Utilities Director may determine, based on actual usage, anticipated usage, peak load requirements, or any combination of the foregoing using accepted engineering standards, a different or lesser total equivalent residential unit value. If the Utilities Director determines that the actual water or wastewater usage will be greater than the equivalent residential unit usage assigned to such category as set forth above, then the Utilities Director may determine, based on actual usage, anticipated usage, peak load requirements, or any combination of the foregoing using accepted engineering standards, a different or greater total equivalent residential unit value.

c) Surcharges

Those users which have been granted an exception to discharge sewage or wastewater in excess of the concentrations set forth in Section 159.040 shall be subject to a surcharge based upon the constituent most exceeding the allowable unit during the period involved and will be based upon the average results from a minimum of three (3) laboratory analyses taken at different times during the period involved.

The surcharge for excess concentrations of suspended solids, oxygen-demanding constituents or other constituents will be determined as follows:

$$\frac{\text{Actual Constituent} - \text{Maximum allowable concentration mg/l}}{\text{Concentration mg/l (24 - hour flow proportional composite)} - \text{Maximum allowable concentration (mg/l)}}$$

The surcharge multiplier times the normal use charge for the period becomes the total surcharge to be added to the normal use charge for the period.

The Utilities Director will advise the user which analyses shall be conducted on wastewater or sewage samples and the frequency of sampling required. Samples may be required to be taken and analyzed by the user at his expense in a manner and at such intervals as required by the Utilities Director. Copies of tests shall be furnished by the user on forms approved by the Utilities Director. Samples may also be taken and analyzed by the POTW staff.

d) Special Agreements and Arrangements

No statement contained in this Section shall be construed as preventing any special agreement or arrangement by and between the City and any industrial user or contributor. The industrial strength or character of the wastewater may be accepted by the City, subject to payment therefore by the industrial concern.

e) Separate Water Meters for Irrigation and Other Special Purposes

Any sewerage service customer in the City who uses a material amount of city water that does not return such water to the city sewerage system (e.g. irrigation and certain industrial uses) may request that the City install a separate water meter for that portion of service provided they pay all fees associated with such meter. No water metered through such separate meter may be used for potable water purposes. No sewer service charge shall be made to that customer for so much of the water service as is indicated on such separate meter. The customer shall pay all fees associated with such meter as charged by City from time to time.

SECTION 159.080: Utility Line Extensions

a) Generally.

All developments shall provide necessary utilities. The plan, design, construction, and maintenance of such utilities shall be subject to City review and approval, and shall conform with the City's criteria for such facilities.

b) Purpose and Intent

The City has created utility capital charges to be paid by new utility customers when building permits are issued. Those capital charges, or impact fees, represent the

amounts required to pay for major capital improvements to existing utility systems necessitated by new growth.

It is the intent of the City Commission to require new growth to pay for all major expansions to the existing utility systems required by the new growth. Accordingly, major utility line extensions required to serve new growth will be paid for from utility capital charges, and the cost of extending those utility lines has been included in the utility capital charge calculation. It is further the intent of the City Commission that the cost of installing utility service mains to connect to the utility capital lines shall be borne by the developer of the new growth.

c) Water and Wastewater Capital Line Extensions

Certain major water and wastewater mains are critical to the establishment of the City's utility system and will serve large regions of the City's utility service area. These major utility mains will be installed by the City from water and wastewater capital charges and shall be referred to as capital utility lines. Property fronting upon or otherwise benefited by, these capital utility lines will not be assessed for the cost of constructing these lines.

The capital utility lines to be installed by the City from capital charges shall be specifically identified on a master map or maps to be located and maintained in the City Hall. The map shall be referred to as the Capital Utility Line Map, and its maintenance shall be the responsibility of the City Manager or his designee. The initial map shall be adopted by reference with, and shall become a part of this Chapter. The Commission may amend Capital Utility Line Map, by Ordinance, as may be necessary to carry out the City's Master Water and Wastewater Plans.

d) Dry Lines for Future Construction and Expansion of Central Wastewater Service.

Any proposed development submitting a preliminary plat after the effective date of this ordinance shall construct wastewater collection and reclaimed water distribution dry lines, including all necessary lift and pumping stations, to be dedicated to the City of Fruitland Park for wastewater utility purposes. All dry lines constructed pursuant to this provision shall meet the design and performance standards used by City and be engineered to adequately meet the anticipated wastewater and reclaimed water demands of the development when central wastewater service is available.

e) Timing of Capital Utility Lines Extensions

Insofar as capital utility line extensions are dependent upon collection of capital charges for funding, the City makes no time commitment as to when those lines will be constructed. As funds are available from capital charges, capital utility line extensions will be constructed by the City based upon a priority schedule as determined by the City Commission.

f) Development in Areas Prior to Capital Line Utility Extensions

The City recognizes that areas of the City utility service area that are scheduled to be served by capital utility line extensions may be desired to be developed prior to the City's installation of the capital utility line extensions. In such an instance, the developer may be required to install capital utility lines at its own expense. Prior to

such installation being performed, the City and the Developer shall agree on an appropriate amount of credit to be given to the developer based on the costs of installing such capital utility line extensions and the applicable utility capital charge. In the event that the actual cost of installing the capital utility line extensions exceeds the total amount of a developer's utility capital charges, the City shall not be responsible for refunding any of that excess to the developer.

g) Construction of Connecting Service Mains and Facilities

All utility water lines, service mains, collectors, low pressure force mains and low pressure pumping units, and facilities necessary to connect a particular customer to an existing capital line extension shall be installed at the expense of the customer desiring service. The location, capacity, materials and design criteria for connecting service mains shall be subject to City review and approval, and shall conform with the City's criteria for such facilities. In the event that the City desires to increase the size of any such collector service main above what is necessary to serve the customer installing the main, then the City shall pay for the difference in the cost of the size increase. Various customers that may be served by the installation of a utility service main may join together and share the cost of the installation of that service main.

However, the City will not be responsible for apportioning, rebating or otherwise accounting for the cost of the utility main among the various property owners.

All service mains and facilities constructed pursuant to this section shall, upon final completion and approval, be dedicated to and become the property of the City.

h) Construction of Development Mains and Facilities

All utility mains and facilities constructed pursuant to this section shall, upon final completion and approval, be dedicated to and become the property of the City.

i) Construction of Life Stations, Low Pressure Pumping Units, and Manholes

Lift stations, low pressure pumping units, manholes and other utility facilities required along capital line extensions shall be constructed by the City from capital charges at the time the capital line extension is installed. Lift stations, manholes and other utility facilities required along service or collector mains, or within developments, shall be constructed by the customer at his expense, in accordance with City standards.

j) Prior Agreements and Assessments

Nothing in this Section shall be construed as invalidating any contracts, agreements or assessments for the extension of utility lines in existence or under negotiation at the time this article becomes effective

SECTION 159.090: CITY COST PARTICIPATION IN INFRASTRUCTURE IMPROVEMENTS.

The City may participate in the construction of certain upsized improvements designed to serve the larger needs of the City beyond the requirements for an individual development project.

a) Water Mains.

1) Oversizing of Water Mains.

The City will not participate in the upsizing of any water main required to be eight inch

(8") diameter or less. Where the City requires a water main to be sized over eight inches (8") diameter, but the minimum service levels required by the Land Development Code can be satisfied for the project using a water main of eight inches (8") diameter or less, the City may participate in the amount of the difference of pipe and fittings costs between an eight inch (8") diameter line and the diameter required by the City.

2) Line Extensions to Serve Development.

Based on the goals, objectives and policies of its Comprehensive Plan, the City will not participate in the base cost to install extensions to serve development, except as outlined above.

3) Extension of Lines to Project Boundaries.

The City will not participate in the required extension of lines to project boundaries, except in the case of additional pipe size or depth is required as outlined above.

b) Drainage Facilities

In general, the City will not participate in any drainage facilities required for the development of a specific project. This includes culverts and bridges for roads, driveways, and sidewalks which cross existing or proposed swales, ditches or canals. The City will not participate in the construction of drainage facilities designed to accommodate the normal existing or nature flows from offsite watersheds.

3) Extension of Lines to Project Boundaries.

The City will not participate in the required extension of lines to project boundaries, except in the case of additional pipe size or depth is required as outlined above.

b) Drainage Facilities.

In general, the City will not participate in any drainage facilities required for the development of a specific project. This includes culverts and bridges for roads, driveways, and sidewalks which cross existing or proposed swales, ditches or canals. The City will not participate in the construction of drainage facilities designed to accommodate the normal existing or natural flows from offsite watersheds.

Where the City requires drainage facilities to be increased in capacity to alleviate existing development related drainage problems and flows not normally anticipated under stormwater management requirements, the City may participate in the costs of constructing the increase in capacity above the normally anticipated flows.

c) Participation Reimbursement Requirements.

1) Where City cost participation is allowed and desired, the developer shall obtain and submit to the City a minimum of three (3) signed and dated bids on the project from reputable contractors, qualified and capable of performing the work. The bid format should clearly delineate the construction eligible for participation. Upon review by appropriate City staff, a recommendation for the amount and form of participation will be forwarded to the City Commission for approval.

2) City participation may be awarded in the form of cash reimbursement, impact fee credits, or a combination of the two, at the discretion of the City Commission.

3) Participation credits or reimbursement will not be made until final inspection and acceptance of the improvements.

SECTION 159.100: SOLID WASTE COLLECTION SERVICE.

a) Minimum Service Requirements.

1) Townhouse and multifamily projects shall provide one standard dumpster pad for every 20 residential units. Fee simple owned townhouses with direct road frontage and individual driveways (as opposed to parking lots) are exempt from dumpster service requirements.

2) Commercial developments shall provide one standard dumpster pad for every seven thousand five hundred (7,500) square feet of retail space and every ten thousand (10,000) square feet of office space.

3) Industrial developments shall provide one standard dumpster pad for every ten thousand (10,000) square feet of office or manufacturing space, and one standard dumpster pad for every thirty thousand (30,000) square feet of warehouse space.

4) Institutional buildings shall meet the requirements or combination of requirements that reflect the specific use or uses of the building.

5) These requirements are minimum requirements. If the number of dumpsters does not regular needs of the development, the City may require the construction of additional facilities.

b) Solid Waste Facility Design

The layout and design of dumpsters and other solid waste facilities shall comply with the following criteria and the adopted Paving and Drainage Details of the City.

1) Accessibility.

Dumpster pad locations shall be designed to accommodate front loading trucks. No dumpster shall be located so as to require the truck to back up a distance of more than one hundred (100) feet. Multiple locations shall be oriented to allow the shortest route to service the group of dumpsters. All drives that provide access to dumpsters must be able to accommodate a thirty-five (35) foot inside turning radius totally within the paved area. Dumpster pad locations should generally be angled at 45 degrees or less from access drives except when located at intersections from allowing 90 degree access.

2) Clearance.

Fences, walls, landscaping and other improvements shall be located so as to provide clearance including vertical clearance from power lines, light standards and trees.

3) Enclosure.

Each dumpster location shall be surrounded by an enclosure. Enclosures should remain open on the service side, except in high visibility locations where gates may be approved.

c) Reserved

SECTION 159.110: STORMWATER MANAGEMENT UTILITY.

Creation of Stormwater Management Utility.

Pursuant to the home rule power of Article VIII, 2(b), Florida Constitution, Chapter 166, Florida Statutes, Section 403.0893, Florida Statutes, and the City's Charter, the City of Fruitland Park does hereby establish a stormwater management utility and declare its intention to acquire, own, construct, equip, operate and maintain open drainage ways, underground storm drains, treatment facilities, equipment and appurtenances necessary, useful or convenient for a complete stormwater management system, and also including maintenance, extension and construction of the present stormwater management system of the city; to minimize by suitable means such system's adverse effect on the water quality of lakes, ponds and basins within the city; to seek and to maintain the levels of lakes, ponds and basins within the city; to facilitate the maintenance of retention areas; and to seek the cooperation of other local governments in minimizing the effects of all such systems and other sources of accelerated runoff to flooding and water quality.

SECTION 159.111: DEFINITIONS.

The following words, terms and phrases, when used in this ordinance, shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

"Beneficiaries of drainage service" means all developed real properties within the city which benefit by the provision of maintenance, operation and improvement of the stormwater control system. Such benefits may include, but are not limited to, the provision of adequate systems of collection, conveyance, detention, treatment and release of stormwater; the reduction of hazard to property and life resulting from stormwater runoff; and improvement in the general health and welfare through reduction of undesirable stormwater conditions and improvements to the water quality in the stormwater and surface water system and its receiving waters.

"Contributors of drainage waters" means all developed real properties within the City.

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Revised 11.17.06, Ordinance 2005-029

"Developed" means any property altered in appearance by removal of vegetation, grading of the ground surface and construction of a structure or impervious surface.

"Director" means the director of the stormwater management utility as appointed or designated by the City Manager.

"Equivalent residential unit (ERU)" means the average impervious area for single-family dwellings in the city, as established by resolution or ordinance of the City Commission.

"Fee" means stormwater management utility fee enacted in this section and set forth by ordinance.

"Hydrologic response" means the manner and means by which stormwater collects upon real property and is conveyed from real property, and which is a function dependent upon a number of interacting factors including, but no limited to, topography, vegetation, surficial geologic conditions, antecedent soil moisture conditions and groundwater conditions. The principal measures of the hydrologic system may be stated in terms of total runoff volume, as a percentage of total precipitation which runs off or in terms of the peak rate of flow generated in the event of a storm of given duration and intensity or statistical interval of return (frequency).

"Impervious areas" means those areas which either prevent or retard the entry of water into the soil mantle, as it enters under natural conditions prior to development and/or caused water to run off the surface in greater quantities or at an increased rate of flow from that present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, rooftops, sidewalks, walkways, patio areas, driveways, parking lots, storage areas and other surfaces which similarly impact the natural infiltration or runoff patterns which existed prior to development, including normal water in ponds and lakes.

"*Multiple dwelling unit*" means a building or facility consisting of more than one dwelling unit, each such unit consisting of one or more rooms with bathroom and kitchen facilities designed for occupancy by one family.

"*Nonresidential unit*" means any building, structure or facility used other than as a dwelling unit or single-family unit.

"*Open drainageway*" means a natural or manmade open cut which has the specific function of transmitting natural stream water or storm runoff water from a point of higher elevation to a point of lower elevation, such as swales, ditches, canals, streams and creeks.

"*Peak flow*" means the highest instantaneous rate of stormwater runoff, measured or estimated in cubic feet of water per second. It is differentiated from total flow volume by the introduction of a unit of time measure during which the maximum rate of flow is measured, calculated or estimated.

"*Single-family unit (SFU)*" means one or more rooms with bathroom and kitchen facilities designed for occupancy by one family such as houses, townhouses, apartment units, duplex units, condominiums, zero lot line, etc.; where the units are sold, deeded or leased as single-family units and/or have individual water meters.

"*Stormwater control system*" means any means by which the stormwater runoff is conveyed, the peak flow from developed land surfaces is reduced, the erosion created by stormwater is reduced and/or the water quality of the stormwater runoff is improved.

"*Total flow*" means the accumulative volume of stormwater discharged from a property, basin or watershed. The total flow is quantified in measures such as acre feet or cubic feet of water.

"*Utility*" means the stormwater management utility created by this article.

SECTION 159.112: FINDINGS AND DETERMINATIONS.

It is hereby found, determined and declared as follows:

1) Those elements of the system for the collection, treatment and disposal of stormwater and surface water are of benefit and provide services to all property within the city, including property not presently served by the storm elements of the system.

(2) The costs of operating and maintaining the city stormwater management utility system and financing necessary repairs, replacements, improvements and extensions of such system should, to the extent practicable, be allocated in relationship to the user impacts, benefits enjoyed and services received there from.

(3) All property within the city demonstrates a hydrologic response to rainfall events which generate stormwater runoff. The volume, rate and quality of runoff will vary with the soil type, land use conditions, topographic conditions and other variables. In particular, the construction of commercial units on previously

undeveloped property will generally increase the volume and rate of stormwater runoff and adversely affect its water quality.

SECTION 159.113: FEES IMPOSED.

A stormwater fee is hereby imposed upon each developed lot and parcel within the city for services and facilities provided by the stormwater management utility system. For purposes of imposing the stormwater fee, all lots and parcels within the city are classified as residential or nonresidential. The director or his or her designee is directed to prepare a list of lots and parcels within the city and assign a classification of residential or nonresidential to each lot or parcel.

SECTION 159.114: FEES SCHEDULE.

- a) For residential developed property, the City Commission shall by resolution or ordinance establish reasonable rates for the stormwater utility drainage system. Each single-family dwelling unit (SFU) shall be billed a flat fee based upon one (1) equivalent residential unit (ERU) per dwelling unit. For residential accounts not individually metered, the account holder of the master meter shall be billed the fee established for an SFU, multiplied by the number of residential units.
- (b) For nonresidential properties, the number of equivalent residential units (ERU) shall be determined periodically and shall be included in the rate resolution or ordinance. All nonresidential properties not covered by subsection (a) of this section shall be billed, based on the total impervious area of the property divided by the ERU and then multiplied by the rate established for a residential unit. The total impervious area of the property and the number of ERUs shall be updated by the director based upon any additions to the impervious area as approved through the permitting process. For nonresidential properties that are not separately metered, the total bill will be sent to the account holder of the master meter.

SECTION 159-115: CALCULATION OF REDUCTION.

It is the policy of the City of Fruitland Park to encourage the placement or retrofitting of stormwater management facilities on developed properties which facilities have the capability of reducing or mitigating stormwater flow or pollution beyond such levels as may be imposed by the Land Development Regulations of the City of Fruitland Park or the St. Johns River Water Management District. Such policy shall be implemented as follows:

- (1) A reduction or credit against the stormwater management utility fee is authorized for those developed properties which are addressed by a stormwater retention facility designed and constructed for the purpose of stormwater flow mitigation and pollution reduction if it meets designated standards.
- (2) A reduction in fee may be allowed for a particular property only if the stormwater runoff from the property is served by a stormwater management facility that has been designed, constructed and is maintained properly for the purpose of stormwater flow mitigation and pollution reduction as measured against a defined standard established

by the city. To be eligible for stormwater retention credit, the facility must be constructed, owned, operated and maintained by other than the city. The facility must also be on land owned by other parties than the city and upon which there are no drainage easements dedicated to the public for the general purposes of drainage retention, flow mitigation or stormwater pollution abatement.

- (3) For applicable properties, a credit may be calculated and the fee may be reduced based upon defined standards and a formula the City Commission may establish by resolution. No property shall have a verified right to the use of any particular formula or fee reduction other than that established by the City Commission by resolution. It shall be the responsibility of the applicant to apply for the retention credit and supply all information needed to substantiate the credit under the defined standards, formula and procedures established by the city. The director or his or her designee shall be responsible for verifying or disallowing any fee reduction credit for a stormwater retention facility.

SECTION 159.116: APPEAL OF IMPERVIOUS SURFACE CALCULATION.

Any person disagreeing with the calculations of impervious surface, as determined by the utility, may appeal such determination to the director. Any appeal must be filed in writing and shall include a survey prepared by a registered surveyor showing total property area and impervious surface area. Based upon the information provided by the utility and the appealing party, the director shall make a final calculation of impervious surface. The director shall notify the parties, in writing, of his decision. If still dissatisfied, a party may appeal the director's decision to the City Commission in the same manner as set forth in this section. The decision of the City Commission shall be final.

SECTION 159. 117: FUND; CREATION,; USE OF FUNDS.

- (a) All stormwater drainage utility fees collected by the city shall be paid into a fund which is hereby created to be known as the "stormwater management utility fund". Such fund shall be used for the purpose of paying the cost of stormwater management facilities to be constructed in the various storm drainage basins and paying the cost of operation, administration and maintenance of the stormwater management facilities now existing and to be constructed in the city. To the extent that the stormwater management fees collected are insufficient to construct the needed stormwater management facilities, the cost of the facilities may be paid from such city fund as may be determined by the City Commission, but the City Commission may order the reimbursement of such fund if additional fees are thereafter collected.
- (b) The fees and charges paid shall not be used for general or other governmental or proprietary purposes of the city, except for administrative assessments to cover an equitable share of the cost of accounting, management and government thereof. Other than as

described in subsection (a) of this section, the fees and charges shall be used solely to pay for the cost of operation, repair, maintenance, improvements, renewal, replacement, design, right-of-way acquisition and construction of public stormwater drainage facilities existing now and in the future and the costs incidental thereto.

SECTION 159.118: COLLECTION OF FEES.

- (a) The stormwater drainage utility fee shall be billed and collected with the monthly utility bill for those lots and parcels of land utilizing city utilities and billed and collected separately as stormwater management utility fees for those lots and parcels of land and owners thereof not utilizing other city utilities. All such bills for stormwater management utility fees shall be rendered monthly by the Finance Department and shall become due and payable in accordance with the rules and regulations of the Finance Department pertaining to the collection of utility fees. The stormwater management utility fee is part of a consolidated statement for utility customers which is generally paid by a single payment. If a partial payment is received on an account, the payment shall first be applied to water, next applied to storm water, and finally applied to the garbage and trash.
- (b) Any charge due under this article which is not paid when due may be recovered in an action at law by the city. In addition to any other remedies or penalties provided by this article or any other ordinance of the city, failure of any user of city utilities within the city to pay such charges promptly, when due, shall subject such user to discontinuance of utility services. The director is hereby empowered and directed to enforce this section as to any and all delinquent users. The employees of the city shall, at all reasonable times, have access to any premises served by the city for inspection, repair or the enforcement of the provisions of this article.
- (c) All stormwater management utility fees assessed pursuant to this article shall be a lien upon the property to which such fee is associated from the date the fee becomes due until such fee is paid. The owner of every building, premises, lot or house shall be obligated to pay the fee for all service provided for his premises, which obligation may be enforced by the city by action or law or suit to enforce the lien in the same manner as the foreclosure of mortgages. In the event of such action, the city shall be entitled to recover all court costs and reasonable attorney fees for such collection. In the case that a tenant in possession of any premises or buildings shall pay the charges, it shall relieve the land owner from such obligation and lien, but the city shall not be required to look to any person whatsoever other than the owner for the payment of such charges. No changes of ownership or occupation shall affect the application of this article, and the failure of any owner to learn that he purchased property against which a lien for stormwater management utility fees exists shall in no way affect his responsibility for such payment.

SECTION 159.120: ALTERNATIVE WATER SUPPLY

(a) **DEFINITIONS**

The following words, terms and phrases, when used in this ordinance shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

"*Alternative Water Supply*" means salt water; brackish surface and groundwater; surface water captured predominately during wet-weather flows; sources made available through the addition of new storage capacity for surface or groundwater, water that has been reclaimed after one or more public supply, municipal, industrial, commercial, or agricultural uses; the downstream augmentation of water bodies with reclaimed water; stormwater; and any other water supply source that is designated as nontraditional for a water supply planning region in the applicable regional water supply plan.

"*Augmentation Water*" means water from an additional source, such as stormwater retention ponds, surface water, groundwater or from an approved wetland and blended with the final effluent of a City wastewater treatment plant.

"*Backflow device*" means either a dual check device composed of two single independently active check valves, as described in the American Water Works Association Standard C510, as may be amended from time to time, and the American Society of Sanitary Engineering Standard 1024, as may be amended from time to time, and/or a reduced pressure principle device, as described in the American Water Works Association Standard C511, as may be amended from time to time, and/or the American Society of Sanitary Engineering Standard 1013, as may be amended from time to time.

"*Billing*" means the charge made for alternative water supply service. The charge shall be included on the monthly utility bill.

"*Charges*" means those charges set by the City Commission for costs of providing service, pursuant to this Ordinance.

"*Cross connection*" refers to any physical connection or arrangement which would allow the movement of contaminants or fluids between any non-potable water system, such as the alternative water supply system, and a potable water system.

"*Customer*" means the actual user of the alternative water supply system.

"*DEP*" means the Florida Department of Environmental Protection, or its successor in function.

"*Department*" means the Public Works department of the City or its successor in function.

"*Development*" means a material change in the use or character of the land, including, but not limited to, the placement of any structure or substantial alteration on the land.

"*Director*" means the Director of the Public Works Department or such other designee of City Manager.

"*Discontinuation of service*" means cessation of a service by physical separation from the system's service lines to ensure that no service can be received.

"*PE*" means polyethylene.

"*Public eating, drinking, bathing facility*" means water fountains, picnic tables, swimming pools, spas, and food service facilities, such as tables and beverage counters that are open to and provide service for the public.

"*PVC*" means polyvinyl chloride.

"*Reclaimed water*" means treated effluent from a City wastewater treatment plant supplied through the reclaimed water reuse distribution system.

"*Reclaimed water reuse system*" means those reclaimed water mains, lines, fittings, valves and appurtenances installed in public rights-of-way or utility easements, which are owned by the City.

"*Service valve*" means the manually operated valve which controls total reclaimed water flow to the customer's property located at the point where the alternative water supply service line crosses the property line.

"*Well*" means any excavation that is drilled, cored, bored, washed, driven, dug, jetted or otherwise constructed when the intended use of such excavation is for the location, acquisition, development or artificial recharge of groundwater.

(b) **PURPOSE**

This ordinance establishes that the City's existing utility will be expanded to include alternative water supply services, if feasible, and responsibilities for facilities owned by the City.

(c) **CREATION OF PROGRAM**

The purpose of this ordinance is to create an alternative water supply and reclaimed water reuse program for the City. The purposes of the program are to utilize highly treated reclaimed wastewater and other alternative supply sources within the City for environmentally suitable purposes and to conserve groundwater supplies for future generations by minimizing the use of potable water from groundwater sources by appropriate uses of alternative water supplies.

The City has elected to create an alternative water supply program in order to reduce demand on the potable water system through reuse/disposal of highly treated reclaimed water by land application or other suitable purposes.

(d) **ADOPTION OF STATE REGULATIONS**

The construction, maintenance, and use of the alternative water supply system shall be in accordance with the provisions of F.A.C. 62-610. If any of the provisions of that chapter are more restrictive than the provisions of this code, the applicable provisions of F.A.C. 62-610 shall prevail.

(e) **PROMULGATION AND ENFORCEMENT OF ALTERNATIVE WATER SUPPLY SERVICE PROCEDURES AND REGULATIONS**

1. The City Manager or designee shall have the power to promulgate procedures and regulations with respect to the following matters, which procedures and regulations shall become effective upon a resolution approving such procedures and regulations being adopted by the City Commission:
 - a. Application procedures, forms and requirements, and allowable uses other than irrigation. All uses must be in accordance with applicable DEP regulations.
 - b. Installation requirements, including specification of acceptable materials, devices and regulations to prevent backflow or cross connections with other systems.
 - c. Procedures for enforcement of the ordinances and regulations pertaining to reclaimed water, including procedures for inspection of the customer's system.
 - d. Procedures for the orderly expansion of the alternative water supply system.
 - e. Procedures and regulations for the efficient operation of the alternative water supply system.
2. Notwithstanding the provisions of this section, the City Manager or designee may, when necessary for the efficient operation of the alternative water supply system or for the health or safety of the general public or the customer, establish regulations regarding the following matters, which regulations shall become effective at the time of promulgation without the need for City Commission approval:
 - a. The times of day or night during which the alternative water may be used by customers.
 - b. The maximum rate of use of the alternative water.
3. No person shall construct, operate, maintain or allow to remain present on property owned or controlled by him any device or system which is connected to or which controls a device or system connected to the City's alternative water supply system and which is not in compliance with all provisions of DEP regulations and this ordinance related to alternative water and with all procedures and

regulations promulgated pursuant to this section. Alternative water shall not be directed or piped into any residence or commercial building. The person who owns or controls the property upon which such a non-complying device or system is found shall be liable to the City for the amount by which the costs associated with the securing and/or removal of the non-complying device or system exceeds the cost of a normal discontinuance or service. These excess costs shall constitute a lien against the property upon which the non-complying device or system is located.

4. Any customer whose alternative water supply system is in violation of any City ordinance, regulation or procedure shall be subject to immediate discontinuance of alternative water supply service. The City shall disconnect alternative water supply service to any user due to tampering with any service, plumbing cross connections with another water source, nonpayment of bills, or for any other reason which is deemed by the public works department to be detrimental to the system. The City shall disconnect service until the condition is corrected and all costs due to the City are paid. These costs shall include delinquent billings, disconnection and reconnection charges, and payment for any damage caused to the system. At no time during the period of disconnection shall the monthly service charges be abated. Should service be turned on without authorization, the department shall remove the service and the violator shall be subject to section 70-164. The City shall have the authority to lien the real property of any user for nonpayment; and if the nonpayment continues for a period of three months following the recording of the lien, the City shall have the right to foreclose the lien. Such discontinuance of service shall not relieve any person of liability for civil actions or for criminal or municipal ordinance violation prosecution.
5. Upon being connected to the City's alternative water supply system, any existing wells on the subject property shall not continue to be used for irrigation and shall be disconnected from the irrigation system.
6. All connections shall be made in accordance with policies and regulations adopted by the City Commission. This provision shall not be construed to entitle any person to cross the property of another to make such connections.

(f) **ALTERNATIVE WATER SUPPLY SYSTEM CHARGES AND FEES**

1. Any user of the services of the alternative water supply system shall pay to have the alternative water supply system connection installed. Once the service is connected, the user shall pay a minimum monthly availability charge and a usage charge. These charges will be set by resolution of the City Commission, and shall be on file in the City Clerk's office.
2. Bills for alternative water supply service shall be rendered as a part of the regular City bill for utility services.

3. For purposes of this section, an alternative water availability charge is a charge established by the City Commission for the availability of alternative water supply service provided by the City to a property. Alternative water supply service is deemed available to a property if an alternative water meter is located at the property regardless of whether the property is actively receiving alternative water supply service. The charge shall be billed in the City utility bill of the consumer for those accounts which are actively receiving alternative water supply service and in a utility bill to the owner of the property for those properties not actively receiving alternative water supply service.

(g) **PUBLIC EASEMENT/RIGHT OF WAY REQUIREMENTS**

No facilities will be installed under the provisions outlined in this Ordinance and accepted by the City for maintenance unless it is in dedicated public right-of-way or dedicated public easement. Any new easement shall be adequately sized as approved by the Director to accommodate construction and maintenance of any alternative water supply system component. No obstruction of whatever kind shall be planned, built, or otherwise created within the limits of the easement or right-of-way without written permission of the Director.

(h) **OWNERSHIP**

All alternative water facilities and appurtenances within dedicated public easements, when constructed or accepted by the City shall become and remain the property of the City. No person shall, by construction of facilities accepted by the City, acquire any interest or right in any of these facilities or any portion of such facilities, other than the privilege of having their property connected for alternative water service in accordance with this Ordinance.

(i) **RIGHT TO REFUSE SERVICE**

The City shall have the right at all times, to refuse to extend service on the basis of a use detrimental to the system, inadequate supply of alternative water, lack of payment of required service charge, or for any other reason which, in the judgment of the Director will cause the extension not to be to the benefit of the City.

(j) **SERVICE INTERRUPTION**

1. The City reserves the right to temporarily discontinue service to any portion of, or the entire, alternative water supply system as deemed necessary by the City Manager or designee.
2. The City Manager or designee shall have the authority to establish schedules to control the use of the water reuse system in order to reduce maximum pressure demands on the system and to regulate

usage of reused water to balance with supply and storage availability.

(k) **CROSS CONNECTION CONTROL**

Prior to connecting a user to the alternative water supply system, the public potable water supply shall be protected by installation, at the user's expense, of an approved cross connection control assembly.

(l) **UNAUTHORIZED WORK ON ALTERNATIVE WATER SUPPLY SYSTEM**

1. No person, unless expressly authorized by the City Manager or his designee, shall tamper with, work on, or in any way alter or damage any City alternative water facility. Tampering or work shall include but is not limited to opening or closing of valves, or causing of any water to flow from the system. No unauthorized person shall cut into or make any connection with the system. The offending person shall be liable for the cost of all charges attributable to the correction of such tampering, including legal expenses; but payment of or correcting of such damage shall not relieve the offending person from civil or criminal penalties the City or a court of law may impose for a violation of a City ordinance.
2. The service valve located between the alternative water customer's irrigation system and the City's distribution system may be operated by the customer only when he private valve, required on the customer's premises, requires repair.

(m) **INSPECTION**

1. To ensure that all provisions of City ordinances, regulations and procedures are being observed, the City reserves the right and privilege of inspecting, removing and/or securing any or all devices installed by the customer which connect to or control the alternative water.
 - a. Inspections without cause to believe that an ordinance or regulation is being violated shall be at reasonable times and shall not exceed a reasonable frequency.
 - b. Inspections where there is reasonable cause to believe that an ordinance or regulation is being violated shall be at such times and shall occur with such frequency as is necessary to establish that an ordinance or regulation is or is not being violated.
2. Each customer of alternative water shall, by application, give prior written consent to entry upon his premises, and thereby waives any other written notice for such inspection. Failed of the City to obtain such a written waiver shall not affect the right of the City to proceed pursuant to subsection (a) of this section.

3. Refusing to permit an authorized City agent or employee to enter onto the premises for the purpose of inspecting the customer's alternative water supply system pursuant to this section shall constitute a violation of this section and shall be grounds for immediate discontinuance of the alternative water supply service by the City to the subject premises.

(n) **ALTERNATIVE WATER SERVICE FOR NEW SUBDIVISIONS**

1. *Minimum service requirements.*

- a. All new subdivisions located within the existing City F.S. Ch. 180 Utility Service Area shall construct alternative water mains to provide irrigation and other non-potable uses, including common elements. Alternative water supply service including required back flow prevention devices and taps shall be installed for each lot. Actual service tap size and potential sharing of service lines shall be reviewed and approved. These improvements shall be completed and in place regardless of whether City alternative water is available to the project at the time of development. At such time as City alternative water is available each lot and other property to which a tap was required shall accept City alternative water supply service.
- b. Site development plans for all new development on previously vacant property where the City alternative water lines adjoin the property shall show irrigation systems connected to alternative irrigation systems which shall be configured for ultimate connection to alternative water mains by locating pumps or potable water system connections adjacent to the right-of-way or other planned alternative water main location.
- c. Alternative Water Supply Systems shall be required within all subdivisions receiving final plats after January 1, 2010.

2. *Existing Landscape Irrigation System.* Existing landscape irrigation system located within the City shall accept City alternative water supply service when available as follows:

- a. If the existing irrigation system on such property is using City potable water for irrigation the property shall connect to the City's alternative water supply service when available.
- b. If the existing irrigation system on such property is using City potable water for irrigation the property shall connect to the City's alternative water supply service when available.
- c. No new irrigation system for landscaping use shall be allowed in the City unless it connects to the City's alternative water lines if such lines are available to the property seeking irrigation.

3. *System Design.* The layout of alternative water supply systems shall comply with the following design criteria and the adopted standard utility details of the City.

4. *General standards.* Design and installation practices, materials, and methods shall conform with requirements for potable water systems, except where specifically modified by policies or details adopted for the alternative water supply system.

5. *Main size.* Mains shall be sized based on the anticipated demand for alternative water use based on land use, soil characteristics, and potential non-irrigation use. Minimum main size shall be six inches in diameter.

6. *Extension of lines to project boundaries.* Alternative water mains shall be designed to stub out to the project boundaries to serve adjacent unserved properties. This shall include mains in all rights-of-way, across the entire project frontage on existing roads without existing mains, and to the property boundary via easement when no other access is available to unserved properties.

7. *Color coding of alternative water appurtenances.* All alternative water supply materials shall be color coded purple from the manufacturer in accordance with DEP regulations.

8. *Availability.* Availability shall mean the City having sufficient capacity to provide service to a subject property and the alternative water lines being physically located within 120 feet of the subject property.

CHAPTER 160

SITE DEVELOPMENT PLAN APPROVAL

SECTION 160.010: TITLE.

This Chapter, the terms and provisions contained herein, shall be known as the "Site Plan Ordinance" of the City of Fruitland Park, Florida.

SECTION 160.020: PURPOSE AND INTENT.

The purpose of this section is to establish uniform requirements and procedures for reviewing applications for site plan approval. It is further the intent of this section to establish procedures and standards to implement the goals and policies of the City of Fruitland Park Comprehensive Plan, and to ensure compliance with the intent, standards and procedures of all applicable land development regulations.

SECTION 160.030: APPLICABILITY.

All construction of site improvements, and construction of building improvements for new structures, increases in the size of a structure, or changing the use of a structure, shall be required to comply with the requirements of this Chapter, except where exempted in Section 160.040(a)(3) of the Land Development Code.

SECTION 160.040: APPROVAL OF DEVELOPMENT PLANS.

a) Designation of Plans as Major or Minor Development.

For purposes of review and approval under the Land Development Code, all plans shall be designated as Minor Development or Major Development as outlined below:

1) Major Development.

A development plan shall be designated as a major development if it meets one or more of the following criteria:

- A) The plan includes the final plat for the subdivision of land.
- B) The plan is a required conceptual plan for the rezoning to, or development of property within the PFD or PUD district.
- C) The plan proposes the development of four (4) or more dwelling units.
- D) The plan proposes the development of five thousand (5,000) or more square feet of non-residential floor space or new impervious surface area more than 10% of the site/area of development.

- E) The plan is a part of a larger development proposal, or poses special development issues, that in the opinion of the City Manager or designee, require the additional review of a major development.
- F) Where two (2) or more minor site plan requests or administrative approval requests for a single project area/site have been submitted and approved for any one (1) year, the City Manager or designee may require any subsequent request to be reviewed pursuant to the criteria of a major site plan.

2) Major-Minor Development.

A development plan shall be designated as a minor development if it fails to meet the criteria for major development.

3) Exempt from Site Plan Review.

Individual Single-family and duplex dwelling units or minor appurtenances^[TK1] thereto, such as private swimming pools, fences, yard, etc.

b) Pre-application Conference.

Prior to filing for development plan approval, the developer or the developer's representative shall meet with the City Manager or designee, in order to verify the steps necessary for application and review, and discuss potential issues regarding the development proposal. Comments made during the pre-application conference are ~~totally^[TK2]~~ completely non-binding on the formal review of the development plans, except that an applicant may request a written confirmation of the designation of the proposal as a major or minor development.

1) Scheduling.

Arrangements for the pre-application conference are to be made through the City Manager's Office.

2) Items Required.

The applicant shall submit ~~seven^[TK3] (7) copies~~ one (1) hard copy and one (1) electronic copy of the preliminary sketch plan(s) of the proposed development. A general description of the proposed development must be noted including the approximate building size, type and use, proposed parking areas, location map, provisions for water and wastewater, proposed phasing of development, parcel size and proposed uses, environmentally sensitive areas, including areas located within the Special Flood Hazard Area, existing zoning and comprehensive land use classification of the subject site and adjacent sites. Requirements for conceptual plans for a PUD shall be as specified in Section 154.030(d)(8)(G)(i).

c) Application for Development Plan Approval.

Application for development plan approval shall be made to the City Manager or Chapter 160, Page | 2

designee utilizing the form provided by the City for that purpose, and accompanied by the appropriate review fee. Application shall be accompanied by ~~the seven (7) copies~~ original hard copy and one electronic copy of the proposed plans, signed and sealed by a registered engineer, architect, landscape architect, as required by the Land Development Code. Plans shall be prepared according to the standards of the Land Development Code.

1) Review of Application Materials.

Within ~~two (2)~~ five (5) working-business days of the receipt of an application, the City shall determine whether the submittal is complete. Incomplete submittals shall be returned to the applicant with the deficiencies noted in writing. Re-applications shall be accompanied by a re-application fee as adopted by the City Commission.

2) Initiation of Development Review.

When an application is determined to be complete, it shall be scheduled for the next scheduled Technical Review Committee (TRC) meeting, but no earlier than ~~one (1) week~~ two (2) weeks from the date the application was determined to be complete.

d) Development Review Process.

1) Technical Review Committee (TRC).

All applications shall be reviewed by the TRC, and members' comments shall be delivered and discussed at a regularly scheduled meeting. Formal comments of the TRC shall be transmitted in writing to the applicant no later than three (3) working-business days after the meeting.

2) Minor Development Approval.

Minor development projects may resubmit plans in response to the TRC comments at any time within sixty (60) days of the TRC meeting. The plans shall be reviewed by appropriate TRC members, based on the outcome of this second review, the City Manager or designee[TK4] shall take one of the following actions within fifteen (15) working-business days of resubmittal:

- A) If previous comments were not addressed, or the plan modifications result in additional code discrepancies, such comments shall be transmitted along with a reasonable deadline for resubmission based on the number and magnitude of outstanding issues. However, in no case shall resubmittal be made more than thirty (30) days after the transmittal of comments.
- B) If all comments are satisfactorily addressed, a development order shall be issued.

3) Major Development Approval.

Major development projects must resubmit plans in response to TRC comments within one (1) business week[TK5] of the TRC meeting for

expedited processing before the Planning and Zoning Board and City Commission. Plans may be submitted up to one (1) business week after a regularly scheduled TRC meeting for inclusion on the subsequent Planning and Zoning Board agenda, however, revised plans must be submitted no later than sixty (60) days after the original TRC meeting review. The plans shall be reviewed by the appropriate TRC members, with finding reported to the Planning and Zoning Board for their consideration.

A) *Planning and Zoning Board Action.*

The Planning and Zoning Board shall consider the development plans at a regularly scheduled meeting, and determine if they meet the requirements of the Land Development Code. The applicant or his authorized agent shall be present at the time of consideration by the Planning and Zoning Board. Upon consideration of the comments of the TRC and public, the Board shall take one of the following actions:

- i) Table the consideration of the project until their next regularly scheduled meeting to allow for the resolution of outstanding issues. No project shall be tabled more than once by the Planning and Zoning Board, in the presence of the applicant or his authorized agent.
- ii) Recommend that the proposed development plan be denied.
- iii) Recommend that the proposed development plan be approved.
- iv) Recommend that the proposed development plan be approved with conditions.

B) *City Commission Approval.*

The City Commission shall consider the development plans at a regularly scheduled meeting, and determine if they the application and plans meet the requirements of the Land Development Code. Upon consideration of the comments of the TRC and public, and the recommendations of the Planning and Zoning Board, the City Commission shall take one of the following actions:

- i) Table the consideration of the proposed development plan to allow for the resolution of outstanding issues.
- ii) Deny the proposed development plan.
- iii) Approve the proposed development plan.
- iv) Approve the proposed development plan with conditions. Revised plans reflecting conditions of the City Commission approval shall be submitted to the TRC within thirty (30) days of that approval. Plans shall be reviewed by the TRC within ten (10) business working ~~five (5) working~~ days of resubmittal to determine compliance with those conditions.

- v) Refer the proposed development plan back to the Planning and Zoning Board for further review and recommendation based on new or additional information or circumstances.

C) *Issuance of Development Order.*

The City Manager or designee shall issue a development order within five (5) ~~working~~^[TK10] business working days of unconditional City Commission approval, or verification that City Commission conditions for approval have been met.

e) Failure to Provide Timely Plan Resubmission.

Failure to meet any of the resubmission deadlines cited above shall require the filing of a new application, including the appropriate review fees.

f) Extension of Resubmittal Deadlines.

The City Manager or designee may extend the deadlines cited above, when warranted by unforeseeable events. A request for extension must be filed in writing ~~with~~^[TK11] to the City Manager or designee explaining the circumstances justifying the extension.

g) Site Plan Recording.

Upon approval of any site plan hereunder, a notice shall be filed in the public records of Lake County that the site encompassed by the approval may not be split or subdivided without express written approval by the City Commission of the City of Fruitland Park.

SECTION 160.050: TIME LIMITATIONS ON SITE PLAN APPROVAL.

All site plan approvals shall terminate and become null and void automatically without notice if construction has not commenced within twelve (12) calendar ~~months~~^[TK12] from the date of approval.

- a) Extensions of Site Plan Approval. Site Plan approval may be extended once upon approval by the City Commission for a period not to exceed twelve (12~~[TK13]~~) calendar- months. All requests for extensions must be in writing and must be submitted to the City Manager or designee^[TK14] prior to the expiration of the site plan.

1) The City Commission shall consider the following:

- A) The effect any delay in proposed project construction and completion has on the concurrency management system.
- B) The impacts of having any new and existing regulations applied to the project.

- 2) The City Commission may attach conditions to a site plan extension approval that further the intent and purpose or satisfy the requirements of any comprehensive plan policies or land development requirements.

No extensions may be granted unless the City Commission determines that an extension satisfies the applicable requirements of the concurrency regulations of Chapter 153 of the Land Development Code.

SECTION 160.060: IMPROVEMENTS REQUIRED.

All final site development plans for new construction shall provide improvements required in the Land Development Code and as outlined in this Chapter.

a) Completion of Improvements Prior to Issuance of Certificate of Occupancy.

A certificate of occupancy shall not be issued by the Building Department until required improvements have been inspected and accepted by the Department. An agreement and acceptable performance bond may be accepted for the completion of certain minor improvements where specifically outlined in the Land Development Code.

b) Adoption of Standard Construction Details.

All construction shall comply with the Standard Construction [Details](#)^[TK15] and [development standards](#) as adopted by the City Commission. Any deviation from adopted standards shall be clearly noted as such in all plans and specifications. If inadvertent deviations in plans are not so noted, adopted standards shall apply.

c) Improvement or Expansion of Existing Development.

All construction regardless of scope shall comply with the specific requirement of the Land Development Code relating to such construction. Final development plans for improvements or expansion of existing development may be exempt from certain requirements as outlined in the Land Development Code.

SECTION 160.070: MINIMUM SITE IMPROVEMENTS.

All site development plans shall reflect the installation of all improvements required in the Land Development Code, in a manner consistent with standards of the Land Development Code. Improvements [include](#)^[TK16], [but not limited to:](#) —stormwater management systems, utilities, parking and loading areas, sidewalks, landscaping and buffering, and any other facility required by the Land Development Code.

a) Easements and Miscellaneous Dedications.

The following minimum number and size of easements or other dedications shall be reflected on the plan drawing, and shall be conveyed to the City prior to issuance of final approval or certificate of occupancy. Larger easements may be specifically required based on size, depth, or special maintenance requirements of a facility.

1) Drainage Facilities

A drainage easement shall be dedicated to the City where a proposed development is traversed by an existing or proposed watercourse, canal, ditch, storm sewer, or other **drainage way** that serves an **area wide** drainage function. Minimum size shall be as follows:

- A) Lake or retention areas shall be covered by an easement extending to ten (10) feet beyond the top of bank.
- B) Canals or ditches of over twenty-five (25) feet in width at the top of bank, or over four (4) feet in depth shall be covered by an easement extending to ten (10) feet beyond the top of bank on one side, and twenty (20) feet beyond the top of bank on the other side.
- C) Ditches smaller than described in (B) above shall be covered by a easement extending to ten (10) feet beyond the top of bank on both sides.
- D) Swales or any other facility with side slopes no greater than 4:1, shall be covered by an easement extending to the top of bank.
- E) Storm sewers shall be covered by an easement of no less than twenty (20) feet, centered on the centerline of the pipe.

2) Utilities.

A utility easement shall be dedicated to the City wherever a proposed publicly owned and maintained utility line or other facility is planned or located on or adjacent to any property not otherwise dedicated to or owned by the City. Minimum size shall be as follows:

- A) Potable water, sanitary sewer or reclaimed water lines shall be covered by an easement of no less than twenty (20) feet, centered on the centerline of the pipe.
- B) Sewer lift stations shall be located in a minimum ~~thirty (30) foot square~~ forty (40) foot by forty (40) foot area located adjacent to a dedicated public road.

3) Conservation Easements.

A conservation easement shall be dedicated to the City as follows:

- A) Over all required tree preservation area, that are outside of required landscaped buffers.
- B) Over all wetlands, wetland buffers, and wetland mitigation areas, as required by Chapter 165.
- C) Over all areas of vegetative communities and/or wildlife habitats as required by Chapter 165 of the Land Development Code, if applicable.

SECTION 160.080: SITE DEVELOPMENT PLANS.

The approval process for site development plans is outlined in Section 160.040, Approval of Development Plans. Approval of the final site development plans results in the issuance of a development order.

a) Site Development Plan Exhibits.

The following information and documentation shall be shown on or enclosed with the plans submitted for approval. The plans shall be drawn at the largest scale feasible, based on the size of the project, however in no case shall ~~be the~~ scale be smaller than one (1) inch equal to fifty (50) feet. Site Development plans or any portion thereof involving engineering shall be certified by a professional engineer [for architect for building on lots less than twenty thousand (20,000) square feet] registered to practice that profession in the State of Florida.

1) General Information.

- A) Name of project.
- B) Statement of intended use of site.
- C) Legal description of the property and size of parcel in acres or square feet.
- D) Name, address and phone number of owner or owners of record.
- E) Name, address and phone number of owner's agent.
- F) Name, address, signature and registration of the professionals preparing the plan.
- G) Date, north arrow and scale shall be designated and, where appropriate, the same scale shall be used on all sheets.
- H) Vicinity map, showing relationship of proposed development to the surrounding streets and thoroughfares, shall be at a scale of not less than one inch equals two thousand feet (1" = 2,000').
- I) Linear dimensions of the site.
- J) Existing topography with a maximum of one (1) foot contour intervals for the proposed site.
- K) Finished grading elevation.
- L) All existing and proposed building restriction lines (i.e., highway setback lines, easements, covenants, rights-of-way and building setback lines).
- M) Percent of open space of site.
- N) Location of proposed signs.

2) Building and Structure.

- A) Intended use.
- B) Number of stories.
- C) Height of building.
- D) Number of dwelling units and density.
- E) Projected number of employees.
- F) If For a restaurant, show number of seats and occupancy load.
- G) Square footage for proposed development—Gross square footage, nonstorage area, square footage of each story, gross square footage of sales area, etc.
- H) Photograph or sketch of proposed sign with dimensions and material type.

3) Street, sidewalks, driveways, parking areas and loading spaces.

- A) Engineering plans and specifications for streets, sidewalks and driveways.
- B) All parking spaces designated.
- C) Number of parking spaces provided, as well as required.
- D) Number and location of handicapped spaces.
- E) Number of square feet of paved parking and driveway area.
- F) Surface materials of driveways.
- G) Cross-section of proposed street improvements.
- H) Fire lanes.
- I) Location of proposed driveway(s) and median cut(s).
- J) Internal traffic control circulation plan, including directional arrows and signs to direct traffic flow.
- K) Location of traffic-control signs and signalization devices.
- L) Designate location of sidewalks.
- M) All proposed streets and alleys.

4) Soils.

- A) Indicate soil classifications on the site plan as identified by the United States Department of Agriculture Soil Conservation Service (SCS) in the "Lake County Area Soil Survey." An applicant may provide a soils study. [A separate soil map may also be furnished to satisfy this requirement.](#)
- B) Soil analysis by a qualified soil engineer shall be furnished upon request of the City Manager or City Engineer.

5) Erosion Control.

Provisions for the adequate control of erosion and sediment, indicating the location and description of the methods to be utilized during and after all phases of clearing, grading and construction.

6) Limits of Floodplain.

[Indicate Special Flood Hazard Area delineation lines on plans if any portion of the property lies within one or more Special Flood Hazard Areas.](#) Indicate flood elevation for 100-year flood on the site plan, [if applicable.](#)

7) Proposed Water and Sewer Facilities.

A) *Water:* Size, material and location of water mains, plus valves and fire hydrants, fire flow calculations plus engineering plans and specifications.

B) *Sanitary Sewer System:* Size, material and location of lines, [valves, manholes, and lift station details](#) plus engineering plans and specifications, with submittal of a profile where required; or

Septic Tank: Size, location, size and location of drainfield and copy of HRS permit.

8) Solid Waste.

A) Location(s) and access provisions for refuse service, including pad screening, fencing and landscaping.

B) Verification from the City Manager, [or designee](#) that adequate capacity is available for solid waste.

9) Landscaping and Tree Protection.

A) Landscaping plan, irrigation system plan and provisions for maintenance, including size, type and location of all landscaping, screens, walls, fences and buffers per the requirements of Chapter 164 of the Land Development Code.

B) Recreation and open space areas, if applicable.

C) Tree survey per the requirements of Chapter 164 of the Land Development Code.

10) Environmental Protection.

- A) Environmental assessment per the requirements of Chapter 165 of the Land Development Code, if applicable.
- B) Conservation easements per the requirements of Chapter 165 of the Land Development Code, if applicable.

11) Concurrency Management.

A concurrency certificate or evidence of application for a certificate.

12) Construction Cost Estimate.

A construction cost estimate prepared by the engineer of record, of any proposed improvements to be maintained by the City.

13) Additional Data.

Any additional data, maps, plans or statements, as may be required, which is commensurate with the intent and purpose of the Land Development Code.

SECTION 160.090: ISSUANCE OF DEVELOPMENT PERMITS.

Once a development order has been issued, the developer may request the issuance of development permits. No final development permit shall be issued unless a "Certificate of Concurrency" has been obtained.

a) Clearing Permit.

A clearing permit shall be secured and clearing shall be completed prior to the issuance of any other development permit. No site clearing shall take place on any subject property to an approved site development plan except as provided below:

1) Application.

Application shall be made to the City Manager or designee[TK17] on the form provided by the City. The application shall include:

- A) The name and location of the project.
- B) The name, address and phone number of the general contractor, surveyor and land clearing operator.
- C) Proof that all development order contingencies have been met. The receipt of certain agency permits may be waived by the City Manager, only if not relevant to the clearing process.
- D) ~~Three (3)~~[TK18] One (1) copy and one (1) electronic copies-copy of the approved composite utility plan and landscape plan sheets shall be attached.

2) Building Site Clearing Permit; Parking Area Clearing Permit.

A building site or parking area clearing permit shall be obtained from the City by an owner or developer prior to the cutting of trees or further removal of any vegetation within the previously approved and staked out site. This permit shall be issued only after an authorized representative of the City has inspected the site to verify that no unauthorized clearing has taken place, and to ascertain whether field modification of the plan is justified in order to enhance tree preservation of the site. This permit will allow removal of the trees and vegetation within the previously approved staked out building site, including approved access to the proposed building location. This permit generally allows clearing of the area ten (10) feet outside the actual building wall, except for those trees or areas specifically delineated on the approved site plan or by the City after field inspection. Unless specifically authorized on this permit, no filling or excavation on the site shall take place until the final inspection of previously permitted clearing has been completed and such work is found to be in compliance with the provisions of City ordinances and permit requirements and conditions.

3) Phasing of Clearing Process.

On those large projects, where feasible, clearing for additional buildings or parking areas may be permitted as a second phase of development, whereupon a second complete permitting process shall be required. Those areas not covered under the initial permit shall be clearing delineated or barricaded so as to prohibit any disturbance or use of the area.

4) Final Inspection.

After all proposed clearing has been completed, and all required tree and soil preservation measures have been implemented, an authorized representative of the City shall make a final inspection to verify that all work has been completed in compliance with the permit and the Land Development Code. If all work has been satisfactorily completed, a building permit may be issued. While the Land Development Code shall not be construed so as to preclude the review and approval of building plans, no building permit shall be issued until the terms of the Land Development Code have been met.

b) Preconstruction Submittals.

The following exhibits or documents shall be submitted to the City prior to holding a preconstruction meeting for the issuance of development permits after clearing:

- 1) Proof that all development order contingencies have been met, if applicable.
- 2) Copies of all contracts for the construction of any public improvements.
- 3) Copies of Certificates of Insurance for all site improvement contractors providing Workman's Compensation as required by law. Contractors for

construction of public improvements shall also provide comprehensive liability insurance covering bodily injury, death and property damage with limits of not less than \$100,000 per person and \$300,000 per occurrence, with the City listed as an additional insured and held harmless.

- 4) Copies of all applicable federal, state, regional and county agency permits for construction.
- 5) Plans for management of traffic and dewatering activities, if applicable.
- 6) Construction schedule.
- 7) ~~Seven (7) copies~~ ~~[TK19]~~ One (1) copy and one (1) electronic copy of the approved development plans, signed and sealed by the engineer of record.

c) Preconstruction Meeting.

The requirements of this Section may be modified by the ~~City Manager~~ ~~[TK20]~~ in cases where size, scope or relative lack of complexity of development plans suggests a lesser need for coordination.

1) Attendance.

Upon request of the developer, the City shall schedule a preconstruction meeting to be attended by the following individuals or their representatives:

- A) The ~~developer~~ ~~[TK21]~~, property own if not the developer, developer and the developer's engineer(s) and surveyor(s).
- B) All ~~contractors~~ ~~[TK22]~~, including subcontractors for the construction of site improvements and the general contractor for building improvements.
- C) All franchised utility companies affected by the proposed construction.
- D) TRC members and appropriate City inspectors.

It shall be the responsibility of the developer to notify all of the above parties of the meeting, except for City employees.

2) Agenda.

The meeting shall include discussion of the construction schedule, procedures for inspection and testing, coordination with the City and utility companies, traffic maintenance, dewatering, access for construction, stockpiling areas and other details deemed necessary to assure safe construction in compliance with the Land Development Code and with minimum disturbance to surrounding areas.

d) Issuance of Development Permits.

1) Site Improvements.

Upon receipt of all required documents and completion of the preconstruction meeting, the Department shall issue a development permit for site improvements. The development permit is issued contingent upon compliance with the development order. In addition, the Department may attach procedural contingencies on construction based on the discussion at the preconstruction meeting.

2) *Building Improvements.*

Development permits for building improvement may be issued after compliance with the requirements of Chapter 161 of the Land Development Code.

SECTION 160.100: INSPECTIONS AND ACCEPTANCE.

Inspection and acceptance of building improvements shall be outlined in Chapter 161 of the Land Development Code. The following procedures shall apply to site improvements, and the overall acceptance for issuance of a certificate of occupancy.

a) Inspections.

The City shall inspect construction for conformance with the terms of the development permits. The City shall have the authority to reject materials or suspend work when construction is not in conformity with the terms of the development permit. The developer shall notify the City of the commencement of major phases of construction as discussed in the preconstruction meeting.

b) Testing.

The developer shall provide laboratory test to verify specifications of materials as required by the Standard Construction Details of the Land Development Code. The City reserves the right to require additional testing based on unusual circumstances encountered in the field.

c) Request for Final Inspection.

Final inspection of site improvements shall be scheduled no more than five (5) working-business days after receipt of the following information, unless a later date is requested by the developer:

1) *Certification of Completion by the Engineer of Record.*

Upon completion of the public improvements, the developer's engineer shall submit a certificate stating that the work was constructed under his supervision, and has been completed in substantial conformance with the approved development plans and in compliance with the requirements of the Land Development Code.

2) *As-built Drawings.*

One (1) mylar reproducible copy and ~~ten (10) copies~~ one (1) electronic copy of as-built drawings, signed and sealed by the engineer of record and surveyor.

3) Testing Reports.

Copies of all required testing reports shall be submitted.

d) Final Inspection Report.

A final inspection report will be issued noting any discrepancies from the development permit, corrective actions required and any re-inspection fee [TK24] billable at current contractual rate or set fee required. In addition, the report shall review final documentation required for acceptance and issuance of a certificate of occupancy, once any necessary corrections are made.

e) Re-Inspection.

Re-inspection may be requested at any time, subject to remittance of a re-inspection fee, when required. Re-inspection will be scheduled within five (5) business ~~three (3) [TK25] working~~ days, and an inspection report issued, if necessary.

f) Acceptance of Site Improvements and Issuance of Certificate of Occupancy.

Upon completion of any corrective actions required upon inspection, site improvements shall be accepted by the City upon receipt of the following:

- 1) All required certifications of completion under Federal, State, Regional and County agency permits.
- 2) Improvement warranty in the amount of twenty-five percent (25%) of the cost of construction on any facility to be owned or maintained by the City or other public agency. The improvement warranty period shall commence on the date of issuance of the certificate of occupancy of the attendant structure.
- 3) Construction guarantee in the amount of one hundred ten percent (110%) of the estimated construction cost of any uncompleted improvement, where allowed by the Land Development Code.
- 4) Recording of any additional on or off-site easements required by the development permit or the Land Development Code.

Certificate of occupancy shall be issued upon acceptance of site improvements and compliance with the requirements of Chapter 161 of the Land Development Code.

CHAPTER 163

SIGN REGULATIONS

SECTION 163.010: PURPOSE AND INTENT.

The intent of this Chapter is to implement and create a comprehensive and balanced system of sign control that accommodates both the need for a well-maintained, safe, and attractive community, and the need for effective business identification, advertising and communication.

It is intended that signs placed on land or on a building for the purpose of message display, identification or for advertising a use conducted thereon or therein shall be deemed to be accessory and incidental to subject land, building or use. With respect to signs advertising business uses, it is specifically intended, among other things, to avoid excessive competition and clutter among sign displays in the demand for public attention.

- a) Protect and maintain the visual integrity of roadway corridors within the City by establishing a maximum amount of signage on any one site to reduce visual clutter;
- b) Provide for signage which satisfies the needs of the local business community for visibility, identification, and communication;
- c) Foster civic pride and community spirit by maximizing the positive impact of development;
- d) Establish procedures for removal of nonconforming signs, enforcement of these regulations, maintenance of existing signs and consideration of variances and appeals;
- e) Lessen the visual clutter that may otherwise be caused by the proliferation, improper placement, illumination, animation, excessive height, and excessive size (area) of signs which compete for the attention of pedestrian and vehicular traffic;
- f) Foster the integration of signage with architectural and landscape designs.

SECTION 163.020: SIGN PERMITS.

- a) Permit Required.

Except as otherwise provided in these regulations, it shall be unlawful for any person to erect, construct, structurally modify, replace, enlarge, move or convert any sign in the City, or cause the same to be done, without first obtaining a sign permit and paying the permit fee for each such sign as required by this chapter. No permit shall be issued until the City Manager or designee determines that such work is in accordance with the requirements contained in this chapter, and the City Manager or designee determines that

such work will not violate any building, electrical, or other adopted codes of the City.

b) Work to be Performed by Property Owner, Lessee, or Licensed Contractor.

The work necessary to construct, install, erect, illuminate, paint or modify signage within the City shall conform to the following:

- 1) Work which may be performed by a property owner ~~or lessee~~:
 - i) Painting the face of any freestanding sign or wall sign;
 - ii) Installation or attachment of any individual letters, which does not require electrical service or structural modification of the surface or wall to which such letters are being attached; or
 - iii) ~~Construction and erection of any freestanding sign with a height of less than six (6) feet, which is non-illuminated.~~
- 2) Work which shall be performed by a sign contractor, general contractor, electrician, or building contractor licensed with the City to perform such work:
 - i) Construction, installation, erection or electrical connection of any sign which is internally illuminated (signs requiring electrical connections will require the work to be performed by a licensed electrician);
 - ii) Construction, installation or erection of any freestanding sign requiring wind load calculations;
 - iii) Construction, installation or erection of any sign which is located above a pedestrian walkway or on the front fascia of a canopy over a pedestrian walkway;
 - iv) Construction, installation or erection of any projecting sign;
 - v) Construction of any sign with a foundation;
 - vi) Construction, installation or erection of any sign not described in Section 163.020(b)(1) above.

c) Application for Permit.

All applications for permits under this Section prior to the erection of any sign, shall be filed by either a contractor licensed to erect signs in the City, or the owner of the property where the sign is to be located or his authorized agent, on a form (s) provided by the City. Such application shall include the following:

- 1) Name, address, and telephone number of owner(s) of the property together with proof ownership;

- 2) Name, address, and telephone number of licensed contractor/manufacturer erecting the sign;
- 3) The name, address, telephone number, and registration number of the engineer, if Florida Building Code requires engineered plans based on the type of sign;
- 4) The street address or legal description of the property upon which the proposed sign is to be located;
- 5) The zoning district, the building frontage of tenant space, and the road frontage of the premises, if applicable;
- 6) Owner and Applicant Affidavits, his lessee or agent, to erect the proposed sign;
- 7) The height, size, shape, style (channel letters, cabinet, etc.), types (pole, monument, wall, etc.), materials and location of the proposed sign;
- 8) Electronic or original hard copy plan, specifications, calculations and details, signed and sealed by an engineer licensed in Florida, specifications documenting the applicable wind load, and electrical specifications, if applicable, meeting the minimum requirements of the applicable electric code. Additional copies must be submitted if required by the Florida Building Code;
- 9) A fully dimensioned and scaled site plan showing the lot frontage, building frontage, parking areas, and location of all existing and proposed signs;
- 10) Indicate in feet and inches the location of the sign in relation to property lines, public right-of-way, easements, buildings, and other signs on the property;
- 11) Sign illumination, specifying illumination type, placement, intensity, and hours of illumination, if applicable; and
- 12) Any and all other information reasonably requested by the City Manager or designee.

d) Issuance of Permit.

Upon receipt of an application for a sign permit, the Building Department shall Review the plans, specifications and other data relating to such sign, and, if considered necessary, inspect the premises upon which the sign is proposed to be erected. If the proposed sign is in compliance with this chapter and all other applicable laws and codes of the City, a sign permit shall be issued upon receipt of the permit fee.

e) Permit Fees.

Permit fees under the Land Development Code shall be set by the City Building Department.

f) Expiration of Permit.

A sign permit shall expire and become invalid in accordance with the rules set forth in the Building Code for all permits, in general.

SECTION 163.030: EXEMPT SIGNS.

The following signs are exempt from the regulations of this Section provided that they do not create a hazard of any kind:

- a) Flags displayed on a flag pole 20' in height or less on residential properties provided the pole is placed a distance equal to its height from all adjacent property boundary lines, including the front property boundary line. Additionally, flags mounted on the exterior of a residential unit housing flag pole mounting brackets commonly used to affix to a flag to the interior or school classrooms or exterior of a residence are exempt;
- b) Flags meeting the following criteria shall be allowed:
 - 1) Residential – Flags displayed not exceeding a maximum height of 25 feet, and which do not exceed 2 in number for every 50 feet of frontage of a residential parcel, provided they meet the above criteria (a);
 - 2) Non-residential – Flags displayed not exceeding a maximum height of 60 feet, and which do not exceed 1 in number for every 50 feet of frontage of a non-residential parcel;
 - 3) All flags must be spaced a safe distance from another flag as determined by the Community Development Department;
- c) Signs or temporary signs less than 48 square feet which are also exempt from the Florida Building Code;
- d) Signs and traffic control devices that are constructed, placed or maintained by the State of Florida, the federal government, Lake County, or the City of Fruitland Park, or a sign that is required to be constructed, placed or maintained by the federal, state or local government either directly or to enforce a property owner's rights ("Government Signs"). Government signs are not intended to be regulated by this chapter; however, to provide clarification, Government Signs are allowed in every zoning district which forms the expression of government when placed or maintained pursuant to law;
- e) Illuminated awnings allowed under Section 163.080 of this chapter, which do not display copy or signage of any type;

f) Umbrella signs

SECTION 163.040: PROHIBITED SIGNS.

It shall be unlawful to erect, cause to be erected, maintain or cause to be maintained any sign described below:

- 1) Signs that violate and Building Code or Electrical Code adopted by the City.
- 2) Any sign that, in the reasonable opinion of the City, constitutes a traffic or pedestrian safety hazard, or obstructs visibility.
- 3) Signs that incorporate projected images, or emit any sound that is intended to attract attention, or involve the use of live animals.
- 4) Signs that emit audible sound, odor, or visible matter such as smoke or steam.
- 5) Signs or sign structures that interfere in any way with free use of any fire escape, and emergency exit; made of combustible materials that are attached to or in close proximity to fire escapes or fire fighting equipment; or that obstruct any window to such an extent that light or ventilation is reduced to a point below that required by any provision of the City of Fruitland Park Land Development Code or other ordinance of the City.
- 6) Signs that resemble any official sign or marker erected by any governmental agency, or that by reason or position, shape or color, would conflict with the proper functioning of any traffic sign or signal, or be of a size, location, movement, color, or illumination that may be reasonably confused with or construed as, or conceal, a traffic-control device.
- 7) Signs within ten (10) feet of public right-of-way or one hundred (100) feet of traffic control lights, that contain red or green lights that might be confused with traffic control lights.
- 8) Signs that contain any lighting or control mechanism that causes unreasonable interference with radio, television or other communication signals.
- 9) Signs that are painted, pasted, or printed on any curbstone, flagstone, pavement, or any portion of any public sidewalk or public street, except house numbers and traffic control signs.
- 10) Sign displaying copy that is harmful to minors as defined by Florida Statute 847.013.
- 11) Abandoned signs as defined in Chapter 151, "Definitions and Interpretations".
- 12) "A" frame and portable signs except as permitted under Section 163.070.
- 13) Wall wrap or building wrap signs.

- 14) Snipe signs.
- 15) Animated signs.
- 16) Wind signs, except temporary special event signs permitted pursuant to this Sign Code.
- 17) Signs in or upon any lake, or other body of water within the limits of the City, other than emergency, warning or safety signs as otherwise allowable under this Sign Code, or required by State or Federal Law.
- 18) Any feather or flutter flag.
- 19) Signs attached to docks or seawalls, other than emergency, warning or safety signs as otherwise allowable under this Sign Code, or required by State or Federal Law.
- 20) Roof signs.
- 21) Signs placed on a vehicle with a total sign area on any vehicle in excess of ten (10) square feet, where the vehicle is not "regularly used in the conduct of business" and:
 - a) Is visible from a street right-of-way within one hundred (100) feet of the vehicle, and;
 - b) Is parked for more than six (7) consecutive hours in any twenty-four (24) hour period within one hundred (100) feet of any street right-of-way.
 - c) A vehicle shall not be considered "regularly used in the conduct of the business" if the vehicle is used primarily (i) for advertising, or (ii) for the purpose of advertising. This provision is not to be construed as prohibiting the identification of a firm or its principal products on a vehicle operating during the normal hours of business and which is currently licensed, insured, and operable; provided, however, that no such vehicle shall be parked on public or private property with signs attached or placed on such vehicle primarily for the purpose of advertising a business establishment or firm, or calling attention to the location of a business establishment or firm.

SECTION 163.050: NON-CONFORMING SIGNS.

a) Intent.

It is the intent of this Chapter to allow non-conforming signs permitted before the adoption of the Land Development Code to continue until they are phased out, or become hazardous.

b) Continuance of Non-Conformities.

A non-conforming sign use may be continued, subject to the following provisions:

- 1) Non-conforming signs may remain in place for a period of two (2) years from the adoption of this ordinance so long as they are not a danger or pose a potential for danger to the public; and
- 2) All non-conforming signs are to be maintained in a manner in which they do not endanger the public;
- 3) Signs located on property annexed into the City that are non-conforming can remain in place for a period of not more than two (2) years from the adoption of the annexation ordinance;
- 4) At the adoption of this ordinance the City will inventory all the existing signs to determine the status as either conforming or non-conforming and issue a free sign permit;
- 5) There may be a change of tenancy or ownership of a non-conforming sign without the loss of non-conforming status, if the property is not abandoned as defined in this Chapter of the City of Fruitland Park Land Development Code;
- 6) Non-conforming signs shall not be enlarged or increased in any way from its lawful size at the time of the adoption of the Land Development Code.

c) Repairs, Maintenance and Improvements.

Normal repairs, maintenance and improvements may be made. However, the cost of such improvements made during any two (2) year period shall not exceed twenty-five (25) percent of the replacement cost of the sign.

d) Reconstruction after Catastrophe.

If any non-conforming sign is damaged to such an extent that the cost of repair and reconstruction will exceed fifty (50) percent of the replacement cost at the time of damage, it shall not be used or reconstructed except in full conformity with the provisions of the Land Development Code.

e) Casual, Temporary, or Illegal Use.

The casual, temporary, or illegal use of any sign shall not be sufficient to establish the existence of a non-conforming use or to create any rights in the continuance of such use.

SECTION 163.060: CONSTRUCTION AND MAINTENANCE STANDARDS

a) General Standards

- 1) When calculating total copy area for a parcel, only one side of a sign shall be counted.

2) The width of the base of all monument signs shall be at least one-half the width of the sign face.

3) The base shall be finished in brick, stucco, finished metal, textured masonry or similar materials.

b) Design Requirements.

All permanent signs shall be compatible with the building(s) to which they relate and with the surrounding neighborhood. All signs except temporary signs shall be subject to the design requirements below:

1) All signs shall be designed to withstand wind pressure as specified in the latest edition of the Florida Building Code.

2) The materials, finishes and colors of the freestanding monument sign base shall match the architectural design of the building. In lieu of a monument base, any combination of landscaping of sufficient density and maturity at the time of planting may be used to achieve the space opacity as would have been achieved with the monument base.

3) All panels in any freestanding signs, including those added to existing sign structures, shall be constructed of the same materials and illuminated by the same method. Panels added to existing signs shall match the existing panels with respect to their color, materials, and illumination.

c) Landscaping.

Permanent freestanding monument signs requiring a sign permit must be landscaped at their base. The landscaped area shall have a minimum area of two (2) square feet for each linear foot of sign face width and shall otherwise comply with the landscaping requirements of Chapter 164 of the Land Development Regulations.

d) Maintenance.

1) All signs, including signs that are exempt from permitting under Section 163.030, together with their supports, braces, guys and anchors, electrical parts and lighting fixtures, and all painted and display areas, shall be maintained in accordance with the building and electrical codes adopted by the City, and shall present a neat and clean appearance. The vegetation around, in front of, behind, and underneath the base of ground signs for a distance of ten (10) feet shall be neatly trimmed and free of unsightly weeds, and no rubbish or debris shall be permitted under or near the sign, with the exception of undeveloped land that is not routinely maintained.

2) All permitted signs will be kept in a manner similar to original design and construction to include proper lighting, façade appearance, kept in working condition, and subject to design standards.

- 3) No sign structure or framework may be exposed by removal of sign faces or advertising copy for a period in excess of fifteen (15) days.

SECTION 163.070: STANDARDS BY ZONES.

- a) Signs in Residential Zoning Districts (R-2, R-4, RPUD).

1) Permanent Signs.

- i) Maximum size shall be 4 square feet.
- ii) Maximum height shall be 2 square feet.
- iii) Not exceeding one (1) in number for each street frontage of a residential parcel.
- iv) Signs may be illuminated internally or externally, however the source of the externally illuminated signs shall not shine, glare, or adversely impact adjacent properties or roadways.
- v) Permanent monument signs may be permitted by the Planning and Zoning Board and the City Commission as part of the subdivision review process, or upon request of property owners after development has occurred. In determining signage, these bodies shall consider size of the sign, materials, location, provision for maintenance, size of the subdivision, functional classification of the adjoining roadway(s) and surrounding land use.
- vi) In addition to signs specified in this section, the following signs are prohibited on property with a designated zoning of R-2, R-4, and RPUD districts:
 - a) Billboard signs.
 - b) Projecting signs.
 - c) Wall signs.
 - d) Window signs.
 - e) Electronic message board signs.

2) Temporary Signs.

Temporary freestanding signs shall conform to all City codes and criteria, including, but not limited to, those cited or set forth herein below:

- i) Structure tie-down pursuant to wind loads in the Building Code.
- ii) No external electrical illumination is allowed.

- iii) No more than three (3) such signs shall be permitted for each street frontage of a residential parcel.
- iv) Signs shall be maintained in a legible condition.
- v) Shall not be erected In excess of a total of one hundred fifty (150) days in a calendar year (all temporary signs collectively if displayed on different days).
- vi) One (1) non-illuminated sign no larger than four (4) square feet for a residential parcel may be maintained when an owner consents and the residential parcel is being offered for sale.
- vii) Properties with more than five hundred (500) feet of street frontage may have more than one (1) sign as provided herein:
 - a) Less than 500 feet – one (1) sign.
 - b) 500 to 750 feet – two (2) signs.
 - c) 751 to 1000 feet – three (3) signs.
 - d) More than 1000 feet – four (4) signs maximum
- viii) One sign may be erected on construction sites no more than sixty (60) days prior to construction and must be removed no later than thirty (30) days after construction is completed. If construction is halted for more than thirty (30) consecutive days, the one (1) temporary sign allowed under this exception must be removed by the thirty first (31st) day of construction halting.
 - a) Subcontractor and additional signs of two (2) square feet or less shall be permitted in addition to total sign area and shall be affixed to, or immediately adjacent to, the main sign structure.

b) Signs in Multi-Family Developments (R-8, R-10, R-15, RPUD)

1) Permanent Signs.

- i) One (1) freestanding monument sign for each street frontage shall be permitted as follows:
 - i) Uses of twelve (12) units or less – sixteen (16) square feet.
 - ii) Uses of thirteen (13) units or more – thirty-two (32) square feet.
 - iii) The sign may be single sign with two (2) faces of equal size or two (2) single face structures of equal size located on each side of the entrance.

- iv) Maximum height shall be ten (10) feet along CR 466A, CR 25A, CR 468 and US Highway 27/441. All other areas shall be six (6) feet.
- v) Minimum setback from side lot lines shall be ten (10) feet.
- vi) Minimum setback from road right-of-way shall be five (5) feet.
- vii) Signs may be illuminated internally or externally, however, the source of the externally illuminated signs shall not shine, glare or adversely impact adjacent properties or roadways.

2) Temporary Signs.

- i) Maximum sign shall be forty eight (48) square feet.
- ii) Maximum height shall be six (6) feet.
- iii) Not exceeding three (3) in number for each street frontage of the residential parcel.
- iv) Shall not be erected in excess of a total of one hundred fifty (150) days in a calendar year (all temporary signs collectively if displayed on different days) except that, without regulating the content of the sign.
 - a) One sign no larger than four (4) square feet per residential parcel may be maintained on a residential parcel, year round;
 - b) One sign no larger than four (4) square feet per residential parcel may be maintained on a residential parcel when an owner consents and the residential parcel is being offered for sale through a licensed real estate agent, or if not offered for sale through a real estate agent, when the sign is owned by the property owner and the residential parcel is offered for sale by the owner through advertising in a local newspaper of general circulation, until such time as the sale has been consummated.
 - c) One sign may be erected on construction sites no more than sixty (60) days prior to construction and must be removed no later than thirty (30) days after construction is completed. If construction is halter for more than thirty (30) consecutive days, the one temporary sign allowed under this exception must be removed by the thirty-first (31st) day of construction halting.

v) In addition to signs specified in this section, the following signs are prohibited on property with a designated zoning of R-8, R-10, R-15, and PUD Residential:

a) Billboard signs.

b) Electronic message board signs.

c) Signs in Non-Residential Zoning Districts (RP, CBD, C-1, C-2, I, CPUD, PFD, MUPUD, IPUD)

1) *Permanent Signs.*

All freestanding signs shall be monument signs. One (1) freestanding sign per parcel for street frontage shall be permitted of the maximum area as follows:

i) The maximum sign area for properties zoned Industrial (I) shall not exceed one hundred fifty (150) square feet. The signage can be used as either wall or free standing monument sign or a combination of both.

ii) The maximum sign area for properties zoned General Commercial (C-2) shall not exceed one hundred fifty (150) square feet. The signage can be used as either wall or free standing monument sign or a combination of both.

iii) The maximum sign area for properties zoned Neighborhood Commercial (C-1) shall not exceed one hundred (100) square feet. The signage can be used as either wall or free standing monument sign or a combination of both.

iv) The maximum sign area for properties zoned Residential Professional (RP) shall not exceed twenty-five (25) square feet. The signage can be used as either wall or free standing monument sign or a combination of both.

v) The maximum area for freestanding monument signs within PFD zoning shall be ~~fifty~~ **eighty-five** (~~50-85~~) square feet. The signage can be used as either wall or free standing monument sign or a combination of both.

vi) Freestanding monument signs shall not exceed ten (10) feet in height along CR 466A, US Highway 27/441, CR 25A, and CR 468 and shall not exceed six (6) feet elsewhere.

vii) Freestanding signs shall be setback five (5) feet from the right-of-way.

viii) Minimum setback from side lot lines shall be ten (10) feet.

ix) *Multiple Frontage Properties.*

- a) For corner lots, an additional sign shall be allowed for the secondary frontage. The sign area allowed shall be based on the chart as shown below:

ZONING CLASSIFICATION	% OF PRIMARY FRONTAGE SIGN AREA
Industrial	100%
General Commercial (C-2)	75%
Neighborhood Commercial (C-1)	50%
Residential Professional (RP)	25%
<u>Public Facilities District (PFD)</u>	<u>25%</u>

- b) Sign area may not be transferred between frontages.

_____x) Shopping Centers/Multi-Unit Complexes.

- a) _____ Shopping centers/multi-suite/unit complexes may be permitted one (1) freestanding sign, however, in no case shall the sign area exceed two hundred (200) square feet. Individual suite/unit wall signs are permitted as follows:

- 1) Maximum sign area shall be determined by multiplying the number of suites/units by the maximum sign area permitted in the zoning district (i.e. property is zoned C-1 and there are 4 suites/units, 100 X 4 = 400 square feet of wall sign allowed).

_____xii) Billboard Signs.

Billboard signs shall be permitted in the following zoning districts if located adjacent to U.S. Hwy 441/27:

- a) Neighborhood Commercial (C-1)
- b) General Commercial (C-2)
- c) Industrial (I)
- d) The maximum sign area shall not exceed three hundred seventy-eight (378) square feet.
- e) The maximum height shall not exceed forty (40) feet.

- f) The minimum setback from the right-of-way shall be fifteen (15) feet.
- g) The minimum setback from side and rear property lines shall be ten (10) feet.
- h) The minimum setback from any intersection shall be one hundred (100) feet.
- i) The minimum setback from any residential zoning district shall be one hundred (100) feet.
- j) No sign shall be located closer than one thousand five hundred (1,500) feet to another sign which is located on the same side of the street and facing the same direction. (Revised Ord # 2000-004, 03/23/2000).

| _____xiii) *Illuminated Awnings.*

Use of illuminated awnings shall be regulated under the following:

- a) The use of copy on an illuminated awning shall be regulated by the applicable provisions of this Chapter for wall signs, including the requirement to obtain a sign permit.
- b) Maximum height, measured on a vertical plane from the point of attachment at the top of the awning to a point horizontal to the lowest edge of fabric, shall not exceed five (5) feet.

xiiii) *Neon.*

Use of neon signs and decorative neon for increased visibility shall be regulated under the following:

- a) Neon wall signs shall be regulated by the applicable provisions of the Land Development Code.
- b) Decorative neon on buildings shall be counted as a wall sign, measured two-dimensionally by multiplying the length of neon tubing by six (6) inches, and included in the total permitted wall sign area.

| _____2) *Temporary Signs.*

- i) Any new or relocated use in a non-residential zone whose allowable freestanding sign has not yet been erected may utilize one (1) conforming temporary freestanding or portable sign for a period of not more than sixty (60) days or until

installation of the allowable freestanding sign, whichever shall occur first.

- ii) A new use in a non-residential zone, including those with a permanent freestanding sign, may utilize one (1) temporary freestanding sign or portable sign one (1) time for a maximum of thirty (30) consecutive days in conjunction with a grand opening.
- iii) Such signage may only be utilized within the first three (3) months of business for the use.
- iv) Structure tie-down pursuant to wind loads in the Building Code.
- v) No external electrical illumination is allowed.
- vi) Maximum sign area shall be thirty-two (32) square feet, maximum height shall be eight (8) feet.
- vii) No more than one (1) such sign shall be permitted for each lot or parcel.
- viii) Signs shall be maintained in a legible condition.
- ix) Temporary signs shall be removed within thirty (30) days after construction or build-out is completed on construction sites.
- x) Subcontractor and additional signs of two (2) square feet or less shall be permitted in addition to total sign area and shall be affixed to, or immediately adjacent to, the main sign structure.
- xi) Non-residential properties may utilize window signs displayed on the inside of the window for a period not to exceed ninety (90) days. The window sign(s) shall not exceed an aggregate of twenty-four (24) square feet in sign area, and shall not cover more than twenty-five (25) percent of any window surface, whichever is less.
- xii) Temporary Commercial Mascots and Commercial Message Signs shall be allowed for special events (carnivals, craft fairs, festivals, parades, reunions, sidewalk sales, weddings, etc.) for up to one (1) week and not to exceed three (3) times per year.
- xiii) Banners or other temporary wall signs shall be permitted under the following conditions:
 - a) One sign for Grand Opening Celebrations one time only per business entity.
 - 1) For sidewalk sales and other outdoor sales events except yard/garage sales.

- 2) Maximum sign area shall be thirty-two (32) square feet.
- 3) Banner signs and other temporary wall signs permitted by this Section shall require the approval of a sign permit application, subject to the appropriate permit fees.

SECTION 163.080: ENFORCEMENT.

a) Removal of Prohibited Signs.

- 1) Prohibited signs on public property or rights-of-way shall be removed immediately, and may be removed by the City or its agent without notice.
- 2) Temporary signs and signs attached to other signs shall be removed within forty-eight (48) hours after receipt of written notification of the Code Enforcement Officer or Building Official.
- 3) Abandoned signs shall be removed by the owner, agent, or person in charge of the premises within thirty (30) days after receipt of written notification by the Code Enforcement Officer or Building Official. If the sign is not removed in a timely manner, the Code Enforcement Officer may refer the violation to the Municipal Code Enforcement Board.

b) Removal of Unsafe Signs.

Should any sign become unsecured or in danger of falling, in disrepair or deteriorated, or otherwise unsafe in the opinion of the Building Official, the owner thereof, or person or firm maintaining it, shall, upon receipt of written danger, or within ten (10) calendar days in other instances, secure the sign or cause it to be placed in good repair in a manner approved by the Building Official, or said sign shall be removed by the owner thereof. If such order is not complied with, the City may remove the sign at the expense of the owner and place a lien on the cost thereof upon the property on which the sign was located together with any other cost incurred by the City by filing such lien. The City shall have the right to receive all costs of court including reasonable attorney fees. Property owner is fully responsible for any property damages and is held responsible for any human injuries.

c) Removal of Illegally Erected Signs.

Where this Chapter requires work to be done by a licensed contractor and such work is not performed by a licensed contractor, the owner or lessee of the property where such illegally erected sign is located shall either:

- 1) Have the sign immediately removed; or
- 2) Have a licensed contractor secure a permit for such sign and is subject to fines as per City Code for commencement without a permit. City inspections of the sign shall be performed. If neither of the above actions is completed within ten (10) days after notification by the

Building Official or Code Enforcement Officer the violation may be referred to the Code Enforcement Board.

d) Violation; Penalties; Continuing violations and Penalty Therefore:

Violations of the Land Development Code, including those Sections authorizing City removal of signs or other penalties, may be referred to the Code Enforcement Board as prescribed by the Code of Ordinances.

SECTION 163.090: VARIANCES AND APPEALS.

a) Technical Appeals.

Appeals from technical decisions of the City Manager or any other official empowered to rule on sign issues shall be processed according to the procedures outlined in Chapter 152 of the Land Development Code.

b) Variances.

Variances from the requirements of this Chapter shall be processed according to the Provisions of Chapter 168 of the Land Development Code.

